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# Council Journal

MONTANA LEGISLATIVE COUNCIL  
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SIXTEENTH SESSION

OF THE

## LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA.

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Begun at Helena, the capital of said Territory, on the 17th day of January,  
1889, and concluded on the 14th day of  
March, A. D. 1889.

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1889





GOVERNOR.....PRESTON H. LESLIE

## MEMBERS OF THE SIXTEENTH LEGISLATIVE ASSEMBLY.

### COUNCIL.

Names of Members.	Counties Represented.	Postoffices.
Cole, C. K. President.....	Lewis and Clarke.....	Helena
Brown, Lawrence A.....	Beaverhead.....	Dillon
Bickford, Walter M.....	Missoula.....	Missoula
Conrad, W. A.....	Dawson and Yellowstone.....	Billings
Collins, Jerry.....	Choteau and Cascade.....	Great Falls
Hoffman, C. W.....	Gallatin and Meagher.....	Bozeman
Hatch, George M.....	Fergus and Park.....	Big Timber
Kennedy, Will.....	Jefferson.....	Bou'der
Middleton, C. R.....	Cus'er.....	Miles City
Olds, L. B.....	Madison.....	Virginia City
Thompson, William M.....	Deer Lodge.....	Deer Lodge
Thompson, William.....	Silver Bow.....	Butte

### SUBORDINATE OFFICERS.

Jno R. Eardley.....	Chief Clerk
Fred. Gilbert.....	Enr. and Eng. Clerk
L. F. Wyman.....	Sergt. at Arms

### HOUSE OF REPRESENTATIVES.

Names of Members	Counties Represented.	Postoffices.
Mantle, Lee, Speaker.....	Silver Bow.....	Butte
Blakely, C. P.....	Gallatin.....	Bozeman
Carver, Geo. H.....	Park.....	Livingston
Comfort, J. R.....	Madison.....	Twin Bridges
Congdon, E.....	Silver Bow.....	Butte
Davis, Joseph.....	Lewis and Clarke.....	Helena
Flowers, W. D.....	Gallatin.....	Moreland
Garrett, E. C.....	Choteau and Cascade.....	Choteau
Gillett, Warren C.....	Lewis and Clarke.....	Helena
Haskell, Henri J.....	Dawson.....	Glendive
Hunt, Wm. H.....	Lewis and Clarke and Jefferson.....	Helena
Johnson, E. H.....	Custer.....	Miles City
Jones, G. T.....	Missoula.....	Corvallis
Joslyn, C. D.....	Deer Lodge.....	Deer Lodge
Moore, Clinton H.....	Deer Lodge.....	Pyrenees
Murray, S. G.....	Missoula.....	Missoula
Pickman, H. D.....	Beaverhead.....	Dillon
Rea, Loring B.....	Custer.....	Miles City
Roberts, W. H.....	Silver Bow.....	Butte
Saxton, J. E.....	Meagher.....	White Sulphur Springs
Swiggett, S. A.....	Jefferson.....	Wickes
Waite, J. D.....	Fergus.....	Utica
Whitney, F. S.....	Yellowstone.....	Junction
Willis, Ozias.....	Beaverhead and Madison.....	Willis

### SUBORDINATE OFFICERS.

Benj. Webster.....	Chief Clerk
H. D. Arkwright.....	Enr. and Eng. Clerk
O. Lund.....	Sergt. at Arms





SIXTEENTH  
LEGISLATIVE ASSEMBLY  
OF THE  
Territory of Montana.  

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COUNCIL JOURNAL 5.

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FIRST DAY.

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COUNCIL CHAMBER,  
Helena, Montana, January 17, 1889.

Pursuant to the laws of the United States and of the Territory of Montana, the sixteenth session of the legislative assembly of the territory of Montana convened at the city of Helena, in said territory, on Monday, the fourteenth day of January, A. D. 1889. At the hour of 12 o'clock M. the Hon. William B. Webb, secretary of the territory of Montana, took the chair and called the council to order, and the following members-elect presented their credentials according to their respective council districts, in their order, to wit:

From Beaverhead county, Lawrence A. Brown.  
From Missoula county, Walter A. Bickford.  
From Lewis and Clarke county, C. K. Cole.  
From Dawson and Yellowstone counties, W. H. Conrad.  
From Choteau and Cascade counties, Jerry Collins.  
From Gallatin and Meagher counties, C. W. Hoffman.  
From Fergus and Park counties, Geo. M. Hatch.  
From Jefferson county, Will Kennedy.  
From Custer county, C. P. Middleton.  
From Madison county, L. B. Olds.  
From Deer Lodge county, Wm. M. Thompson.  
From Silver Bow county, William Thompson.

On motion, Hon. Wm. M. Thompson, of Deer Lodge county, was unanimously chosen as chief clerk pro tem.

The clerk called the roll and the following members presented themselves at the desk of the clerk and took and subscribed to the oath of office, duly administered to them by the Hon. N. W. McConnell, chief justice of the supreme court of Montana territory, to wit:

Messrs. Brown, Collins, Middleton, Thompson of Deer Lodge, Kennedy, Cole, Olds, Bickford, Hatch, Thompson of Silver Bow, Conrad and Hoffman.

The chairman now declared the election of officers to be in order.

Mr. Kennedy nominated for president of the council the Hon. C. K. Cole, of Lewis and Clarke county.

On motion, the clerk was directed to cast a ballot of the council for Dr. Cole, who was declared duly elected by a unanimous vote.

The honorable secretary of the territory appointed a committee of two, composed of Messrs. Brown and Conrad, to escort Mr. Cole to the chair.

Thompson of Deer Lodge county placed in nomination for chief clerk of the council, John R. Eardley, of said county.

On motion, the clerk was instructed to cast a ballot of the council for Eardley, who was declared by the president duly elected by a unanimous vote.

Thompson of Silver Bow county placed in nomination for enrolling and engrossing clerk of the council, Frederick Gilbert, of Missoula county.

On motion, the clerk was instructed to cast a ballot of the council for Gilbert, and he was declared by the president duly elected by a unanimous vote.

Brown of Beaverhead county placed in nomination for sergeant-at-arms of the council, Capt. L. F. Wyman, of Silver Bow county.

On motion, the clerk was instructed to cast a ballot of the council for L. F. Wyman, and the president declared him to be duly elected by a unanimous vote.

Hatch of Fergus and Park counties placed in nomination for chaplain the Rev. F. T. Webb, of Lewis and Clarke county.

On motion, the clerk was instructed to cast a ballot of the council for Rev. Mr. Webb, and he was declared by the president to be duly elected by a unanimous vote.

Olds of Madison county placed in nomination for watchman George W. Scott of Jefferson county.

On motion, the clerk was instructed to cast a ballot of the council for Mr. Scott, and he was declared by the president to be duly elected by a unanimous vote.

Collins of Choteau and Cascade counties placed in nomination for page of the council Master Eugene Dickinson of Lewis and Clarke county.

On motion the clerk was instructed to cast a ballot of the council for Master Eugene Dickinson, and he was declared by the president to be duly elected by a unanimous vote.

On motion of Kennedy of Jefferson county, at 1 p. m., the council took a recess until 2 o'clock p. m.

The council re-assembled at 2 o'clock p. m.

The president in the chair.

The roll was called and all the members found to be present.

On motion of Kennedy the president appointed a committee of two, composed of Messrs. Kennedy and Collins, to notify the house of representatives that the council is duly organized and ready for business, and to act in conjunction with a like committee to be appointed by the house to wait upon the governor and inform him that the council and house are fully organized and ready to receive any communication he may have to make to them.

On motion of Thompson of Deer Lodge county, the president appointed a committee on mileage composed of Messrs. Thompson of Deer Lodge county, Hoffman of Gallatin and Meagher counties, and Olds of Madison county.

On motion of Conrad of Dawson and Yellowstone counties, the president appointed a committee composed of Messrs. Conrad and Hatch to wait upon the Rev. F. T. Webb and inform him of election as chaplain of the council.

On motion of Kennedy of Jefferson county, the rules of the preceding council were temporarily adopted.

On motion of Kennedy of Jefferson county, the president appointed a committee composed of Messrs. Brown, Middleton and Thompson of Silver Bow county, on rules and to act in conjunction with a like committee of the house on joint rules.



On motion of Collins the council took a recess until 3 o'clock p. m.

The council re-assembled at 3 o'clock, p. m.

President in the chair.

Quorum present.

On motion of Olds of Madison county, the council took a further recess until 4 o'clock, p. m.

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The council re-assembled at 4 o'clock, p. m.

President in the chair.

Quorum present.

A special committee of the house appeared before the council and submitted the following report:

*To the President and Members of the Council:*

We beg to inform your honorable body that the house of representatives of the sixteenth legislative assembly is permanently organized as follows:

Speaker, Hon. Lee Mantle.

Chief clerk, Benj. Webster.

Engrossing clerk, H. D. Arkwright.

Sergeant-at-arms, O. Lund.

Watchman, A. B. Davis.

Page, De F. Merriman.

Chaplain, Rev. Allen.

And that we are a committee to act with your committee to notify the governor of the permanent organization of the legislature and to request of him at what hour on to-morrow he may desire to communicate with both branches jointly assembled.

HUNT,

MOORE,

JOHNSON, Committee.

At 4 p. m. and 2 minutes, on motion of Thompson of Deer Lodge county, the council took a recess for 10 minutes.

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The council reassembled at 4:12 p. m.

President in the chair.

Quorum present.

Kennedy submitted the following joint report:

*Mr. President:* Your joint committee appointed to wait upon the governor and notify him of the organization of the sixteenth legislative assembly, beg leave to report that the duty has been performed and that the governor has informed the committee that he will be pleased to meet the legislative assembly in joint session in the hall of representatives at 11 a. m. Tuesday, Jan. 15, 1889.

KENNEDY, Chairman for Council.

HUNT, Chairman for House.

On motion of Brown the report was received and the committee discharged.

On motion of Brown the council adjourned until 8:30 a. m. tomorrow.

CHARLES K. COLE, President.

JOHN R. EARDLEY, Chief Clerk.

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## SECOND DAY.

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COUNCIL CHAMBER, Tuesday,  
Jan. 15th, 1889.

Council met pursuant to adjournment at 10:30 a. m.

President in the chair.

Roll called—quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.

At 10:55 a. m., on motion of Kennedy, the council took a recess and proceeded to the hall of representatives to meet the houses in joint convention to receive the governor's message.

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## JOINT CONVENTION.

The joint convention of both houses of the legislative assembly of Montana territory, assembled in the hall of representatives on Tuesday, January 15th, 1889, at 11 o'clock a. m.

The chief clerk of the council called the roll of the house—quorum present.

Garrett of the house offered the following resolution:

*Resolved,* That a joint committee to consist of two from the council and three from the house be appointed by the chair to notify his excellency the governor that the two houses are now

convened in joint session and ready to receive any communication he may have to make and to escort him to the hall of this house.

On motion of Joslyn of the house, the resolution was adopted and the president appointed as such committee Messrs. Middleton and Olds, of the council, and Messrs. Haskell, Comfort and Blakely, of the house.

Said committee at once withdrew to perform the duty assigned them, and shortly appeared at the bar of the house with his excellency the governor.

The president called the convention to order and the committee escorted his excellency to the president's desk.

The president introduced to the members of the joint convention his excellency the governor, who proceeded to deliver the following:



# GOVERNOR'S MESSAGE.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE, Helena, January 14, 1889.

*To the Honorable Members of the Council and House of the  
Legislature of Montana:*

It becomes my official position to welcome you to the responsible duties the electors of Montana have placed in your hands, and to assist you in the discharge of those duties for the public good. Trusting in your fidelity, they have called you to legislate for the good of this great and prosperous territory. At this crisis in our history, when we expect soon to assume the dignity and responsibilities of statehood, your position becomes more responsible and more honored than any of your predecessors; in no small degree your labors may aid in laying broad and deep the foundations of the coming commonwealth of Montana. Spanning nearly five degrees of latitude and twelve of longitude, interspersed by vast mountain chains, Montana will serve as the connecting link between the Pacific and central states, with the Atlantic states so closely allied, making one indestructible union. Our mountains veined with gold and silver and the more useful metals, our placers filled with gold, and wide prairies covered with grasses, are fast giving us individual and public wealth. To secure the greatest prosperity in these vast industries will require your best thought and ripest statesmanship. Industries so varied and so extensive, over broad areas, require laws to be most carefully adjusted and compromises skillfully made for all these wants and necessities. In discharging these grave responsibilities, I shall most cheerfully co-operate with you to secure the best results of our united labors in behalf of Montana.

## FINANCE.

The financial condition of this territorial government is sound and healthy. At the close of the last fiscal year—31st day of December, 1888—the territory was out of debt, and there was

in the treasury one hundred and fourteen thousand three hundred and forty dollars, and forty-eight cents (\$114,340.48) balance of the general fund in cash; four thousand nine hundred and thirty-nine dollars and six cents (\$4,939.06) balance of the stock inspection and detective fund; nine thousand and eighty-six dollars and sixty-four cents (\$9,086.64) balance of the stock indemnity fund; and one thousand eight hundred and twenty-six dollars and fifty-eight cents (\$1,816.58) balance of sheep inspector and indemnity fund. Every citizen of Montana must feel proud of this healthy condition of the government. The auditor's and treasurer's reports for the year just ended will be laid before you for your examination and action thereon.

There is hardly a people anywhere who pay more cheerfully and promptly their taxes. Nevertheless, it is a solemn duty upon you, and I urge that you make such enactments as will secure the assessment for taxation all taxable property of the territory. Not that the government needs more money, but in order that the burdens of government may rest more equally upon the people. If you will make such laws as to certainly secure the assessment of all the property (which by law is taxable) the people's taxes may be reduced one-half, and the same amount or more money collected. Equality and uniformity in the taxation imposed upon a people are always desirable, and held to be a feature of justice in the government. If you will take the pains to study the assessed values fixed upon the same class of property in different parts of this territory there will be seen such a glaring difference as to shock all sense of fairness and every principle of justice. The only remedy for this, in the legislation of Montana, is that there be enacted a law creating a board of equalization, after the fashion of other and older governments, and vest that tribunal with the power to revise, harmonize and equalize the values for assessable purposes all over the territory.

In entering upon the duties of legislation for your constituency you are confronted with the laws of Montana which provide, as one of the means of raising revenue to carry on the government, that persons may buy for a price from the government, the privilege of carrying on the business of gambling, selling whisky and other intoxicating drinks. When these privileges, or any of them, are bought, and a license is issued, the purchaser can proceed anywhere, and on every day, including Sunday, of the time for which he has purchased the privilege, to openly and publicly push his licensed business. It is a well known fact that each of these avocations is prosecuted with great persistence all over this prosperous country. Each business is gathering every day from the ranks of innocent, unsuspecting youth, and from contented households, recruits for the penitentiary and the hangman's trap. The fruits resulting from the conduct of these avo-

cations are saturated with the tears of sorrow, crime and taxation. No joy, peace or happiness to man or woman, no improvement to the heart or intellect ever comes from these engines so full of consuming fire. I submit to you whether your constituencies are willing any longer for this licensed unscrupulous crime-breeder to add his drafts upon the pockets of the people, feed upon the scant substance of the widow and orphan, and have for his drink the tears of the innocent? The policy of raising revenue for the support of government by corrupting the morals of the people is not sound, and should be abandoned. But if your sense of duty to the people and to the God of your being lead you to acquiesce in and continue this system. I urge that you provide for the taxation of each and every branch and phase of gambling and liquor traffic, so there may be a show of fairness toward all classes of persons engaged in those *lawful* business pursuits of life. There is a large number of persons in Montana whose good citizenship and business should be protected against the presence of these evils. Men embark in enterprises, aggregating their capital in opening mines for gold, copper, silver and coal, opening great ditches and many other classes of business, necessitating a large force of men. They build churches and school houses, and multitudes of people gather there for council and instruction. Without any comment upon what has occasionally occurred heretofore with reference to the vigilance of those engaged in the two notable callings spoken of, I recommend that you pass laws more far-reaching, and effectually protecting the churches and schools and the business points of the people against the presence, smell and temptation of these vices which camp about the doorways of gathering industry and enterprise in this territory.

#### DERELICTION OF OFFICERS.

The system of conducting this government is wisely arranged in the lodgment of very much power in the hands of its public officers, imposing upon them the duty of making reports at certain specified times to the chief officer at the head of their respective departments. This requirement is made with the view that the affairs and condition of the government may be readily seen and made known. It is a provoking fact, I am sorry to say, that a large number of officials in the counties disregard the law in this respect, and many of the most important reports are withheld until public servants are pleased to make them. The completion of the reports of the territorial officers was delayed until late in December, 1888, and late in January the year preceding, all because of the neglect of county officers in making their reports as required to do by law. This evil had become so annoying, and hurtful to public interests, that thirteen years ago the governor felt it to be his duty to mention the subject in his mess-

age to the legislative assembly. I now again bring it before you, and urge upon you that you are not only the representatives of the office holders, but of the whole people, and the public interest is suffering on account of these derelictions of duty. The interest that the people have in the offices is that the officer placed in charge shall fill and perform the duties assigned him.

The interest of your constituency demands that you institute and enact some provision, or summary punishment, and provide for its enforcement against delinquent officials.

#### SUNDAY LAW.

In the message of Gov. B. F. Potts, dated Jan. 3, 1876, to the legislative assembly of Montana, the following language appears: "I cannot too strongly urge the enactment of a law prohibiting rioting, sporting, quarreling and engaging in common labor work (work of necessity and charity excepted), on the first day of the week, commonly called Sunday, exempting from its provisions those of our citizens who religiously observe the seventh day of the week as a day of rest. This is the third time I have urged this subject on the attention of the legislature, and I have now more confidence in the wisdom and justice of the recommendation than at any time before. I hope the subject will be urged upon the attention of every legislature that assembles in Montana until it is enacted into a law." I reproduce this sentence uttered by that grand statesman as part of his counsel to the people of the territory he loved so well, and to whose service and welfare he so faithfully and ably devoted so many years. They are words full of wisdom, ringing out from the grave of a patriot and statesman. I delight to hold out before your eyes and repeat for your hearing the hope he therein expressed "that this subject be urged upon the attention of every legislature that assembles in Montana until it is enacted into a law." The necessity for such a law is now in Montana more urgent and pressing than ever before. I need not point to the shocking and impious open gambling houses, the open doors of saloons and traffic publicly carried on; nor to the open business houses and shops of all kinds, and the business generally carried on upon this day, so much revered and honored by so many of our good people. There is no state in this grand empire of states but whose people have just the law so earnestly urged by that noble governor in his message. We have now in this youthful, growing government at least thirty, and perhaps forty, thousand children, already pushing their way along the path of life, and in almost every city, town, village and neighborhood there are church houses, church bells, Sunday schools and a preached gospel; and, in addition, these same cities, towns and country places are filled with the music of the school-room, and large revenues are paid by the people for education—



in fact, Montana's jewels are her children, and yet there is set about in the neighborhood of every school-house, church building and congregation of worshippers of Almighty God these hatch-houses of crime on the Christian Sabbath day. I do most earnestly urge you to give heed to this subject, and place this rising government side by side with the other governments in this country founded on Christian principles, and in your enactments show to the world that this is a God-respecting people.

#### EXPERT EXAMINER.

This territorial government is a great copartnership in which every person residing in Montana has an interest, and, like all other business enterprises, is carried forward through agencies, selected for their capacity and fitness for the particular place to be filled. The public officers, including those of the counties, cities and towns, are agencies provided by law as one of the means for successfully carrying on this important business of government. The place called office, committed to the possession and occupancy of the agent, is full of importance to every citizen. That importance consists in part in the fidelity, promptness and integrity with which the officer executes and performs the duties enjoined by law. There is the greatest necessity to the public, and often more to the individual, that these agents perform their official pledges, in manner, time and place as provided and directed by law. The history of office-holding in almost every government in America and other lands is full of sad warnings, which call for the utmost vigilance and supervising care by the people. It has been found by experience in the older countries, as likewise in the United States, that frequent looking into accounts and the conduct of public officers is a most valuable supplement to the bond and security which are given upon entering into office, and is the most unfailing security against defalcation and disgrace. The government of the United States has provided by law for expert examiners for every department of the government, and nearly all, if not all, of the states have made like provisions with reference to their officials. This system of oversight upon public agents has gained more favor as it has been applied and put in practical operation. And to-day all over England, France and America, and in every state of this family of states, this detective, ever-present, examining oversight by the government is accepted and relied upon as the most unquestioned barrier to fraud and failure of any that has ever been adopted. Without any reference to the conduct and efficiency of any of Montana's officers in their service heretofore, I do most earnestly urge upon you to pass a law, carefully guarded, providing for, at least, one expert examiner for this government, and impose upon him the duty of searching into the official accounts and proceedings of the public

officers of this territory at irregular times, especially those receiving public money. Your own thoughtful wisdom will suggest the details of such a measure, necessary to meet the wants of the people in this regard.

#### EDUCATION.

All men are born into this world calling for three great wants, to wit: culture, knowledge and something to explain to them all they see around them, and also their own nature, condition and destiny. In civilized times and in a Christian land the means of finding an answer to these wants were to be supplied to the young by parental care, public provision or Christian benevolence. All three of these modes of instruction are employed and relied upon in every civil government throughout North America. Public provision by the government for the education and culture of its children adorns the pages of the history of each of the states. Public provision for universal education is now a cardinal principle in the government of this country. In the early years of Montana's assuming to take upon herself some form of government, the people laid the foundation for a system of public schools which has grown with the years of this population, and has improved and strengthened as experience and more light have been unfolding. The history of education in Montana is the history of a people showing pluck and liberality far surpassing any in the United States in the progress and holding up of public schools. The school fund at the command of this association of people, called the government of Montana, is the taxes collected every year from the people, and this fund pays over twenty dollars towards educating each child. I am glad to learn that the people are reaching out anxiously for the most approved methods of school work, and for employment of the most cultured teachers. They have more regard with reference to the chance and certainty of thorough and skillful instructors than the question of cost. Our people are imbued with the spirit and sentiment that the strength and safety of the country is the virtue and intelligence of the youth. They are the flower of the country—the rising hope of the church and society. Preserve them uncorrupted through the channels of training to the years of putting on manhood, then they come forward with enlightened minds and good morals to take their places on the stage of life. The foundations of social order and happiness will be secure, and no weapon raised against the safety of the commonwealth can excite alarm. All wise and benevolent men, whether statesmen, philanthropists or ministers of religion, have always felt a deep and peculiar interest in the youth of the country, and in all their attempts to produce reformation and advance human happiness the young have engaged their first and chief regard. This spirit of tender thoughtfulness

and care is in full accord with the teaching that comes to us, endorsed by the greatest of all law-givers. Hardly any one trait of the Bible is more prominent than its benevolent concern for the youthful generations of men. On them its instructions drop as the rain, and distil as the dew; around their path it pours the purest light and sweetest promises, and by every motive of kindness and entreaty, of invitation and warning, aims to form them for duty and happiness, for holiness and for God. It devolves upon you, the representatives of this wide-awake and liberal people, to respond with no hesitating or temporizing spirit to the clamoring voice of the people for higher recognition of this great and sacred department of our government. The reports of our able superintendent of public instruction for the years 1887 and 1888 will be laid before you. These reports and the wise suggestions and recommendations therein contained I heartily commend to your careful perusal and action.

The chief factors in the enlightenment and awakening of the people to the calls and friendly offerings of this system of public schools is the thorough acquaintanceship and familiar mingling and discussion with them of the subject by the trusted head officer placed in charge of the department. His frequent presence in council with the people, trustees, teachers and county superintendents quickens into active force the spirit of emulation and progress, and accomplishes uniformity in every part of the territory in conducting the schools.

The people of the territory are far in advance of the provisions of the present law on the subject of education. Every well arranged government has its department of education, as well as its department of justice, agriculture, mechanics, etc. Education is as absolutely a department of the government of Montana as is the finance, the judicial or any other; and certainly there is no department having a warmer place in the hearts of the people. The compensation provided by law for carrying on and sustaining this department has a far less degree of favor with the people than the other divisions and departments of the government. I do not believe such to be the estimate in which this subject is held. The meager sums provided by law to pay the superintendent of public instruction may possibly have been sufficient under the state of things years ago, but now in the advanced progress of settlements all over the territory and increase of school children, a far greater, broader and higher demand comes to that office. The interest of the people paying such large amounts of money for the culture and advancement of the children needs to have a thoroughly competent man at the head of the department, and that he shall devote his entire time to the overlooking and applying these benefits to the children in every neighborhood throughout the territory. There should be an office provided for his headquarters, his records,

etc., at the capital, and a clerk. I recommend that you hasten before you shall adjourn to attend to these wants of the people in this regard, and thus vitalize and give new motion to this great cause of the people.

The higher education of the youth of the country has always been considered of the utmost importance to the welfare of the state, and it is a source of regret that no steps have been taken by the territory to provide a college or university for that purpose. Considering the size and extent of this country, it is manifestly certain that we need two such institutions in the territory, and it will not, in my opinion, be unadvisable to at once enact such legislation as will lead to the establishment of an agricultural and mechanical college at some suitable place in the territory.

At Fort Ellis, within the limits of the territory, situated on the line of the Northern Pacific railroad, and in the beautiful and productive Gallatin valley, the United States government has an abandoned military reservation, embracing about 30,000 acres of land. The buildings on those grounds are of rather a temporary character, but with some slight alterations and expense can be made ample and commodious enough for the accommodation of a full corps of professors and several hundred students. I recommend that you at once memorialize congress to donate the reservation and buildings to the territory for the purpose of establishing an agricultural and mechanical college. The donation would be something tangible, and of infinite more value to the territory than the many thousands of acres of school lands promised, and yet withheld from us. The distance and attending expense of sending Montana boys east to college is most detrimental to the interests of the public, and must necessarily deprive many of the youth of the land of that higher education which is so necessary to fit a citizen for the service and honors of the state. The donation of this reservation to the territory would at once enable the youth to attain these advantages without having to go abroad. Since you can by proper legislation at this session provide for the organization and operation of the college, allow me to remind you that this congress closes the 4th of March, and because of the short time now intervening, and of the great importance of this matter, I most earnestly urge that you do at once pass the proper resolution on the subject, and request our delegate in congress to introduce the necessary bills in that body. It has been the policy of the government for the last twenty-five years to grant such aid for the encouragement and building up of agricultural and mechanical colleges, and in many instances most valuable property has been granted by congress to the states for this purpose. I am sure that it only needs prompt and earnest attention to secure this valuable reservation for the educational interests of the territory.



## PENITENTIARY AND HOUSE OF REFORM.

The punishment of crime is a part of the business of human government. The right of the people to punish crime by methods prescribed by law is perfect. It is said that "self-preservation is the first law of nature" and "resistance to wrong is an inherent right." It is upon these principles that the government undertakes to protect its subjects and preserve itself against crime; and hence laws are enacted by the authority of which the agencies of the government seize the violator of the laws and transgressors of the rights of citizens, and subjects him to discipline, confinement or death. This is penology, and its history is coeval with the history of government. People living under an organized government have absolutely no right to punish any offender without law. To punish without law is the grossest violation of law—it is crime. Lynch law wherever it exists is savagery, or is evidence of undeveloped, or of a degenerated society. Nor should the government impose punishment in any spirit of vengeance. The government of Montana has, through the years of its growth, for a quarter of a century, provided by law punishment as penalties to be imposed upon wrong-doers, tempered according to the degree of crime. Chief amongst those penalties is confinement in the penitentiary. The territory has never yet built or owned a state prison for the confinement and punishment of its criminal classes. The United States has a penitentiary within the territory at Deer Lodge, and ever since the beginning of the year 1874 the territory has secured the confinement, care and support of its convicted criminals in that prison, under contract with the United States government, and there they have been confined, male and female, old and young, of whatever nationality. No prisoner is required to work one hour of the time for which he is there confined. The institution is a very sightly, well-provided and well-kept home, furnished with the best medical skill, kind nursing, ample supply of reading matter, and a chaplain. The buildings and grounds are admirably arranged for the safe-keeping, comfort and health of the convicts. These considerations, with the vigilance and skill of the present keeper, Hon. R. S. Kelly, show the remarkable fact that no death has occurred there within the last three and a half years. There are but seventy cells provided there in which to keep prisoners. This limited provision for room has necessitated the putting of two convicts in each cell, and, in addition to that number, there are periods of time when ten to fifteen others have to be bedded on the floors of the open rooms, and guarded with extra attention to prevent escape. The territory has thus paid for boarding in idleness the convicted criminals since January, 1874, two hundred and seventy thousand dollars, and the auditor's office shows the fact that these annual

outlays are increasing from three to seven thousand dollars a year. You are therefore confronted with the question, whether you will continue this improvident mode of treating the wrongdoers of this territory, or as other governments have done, you will provide a penitentiary and other institutions to meet the wants of Montana's people for the confinement and punishment of the bad and evil-disposed subjects of the government?

All civil governments of which history gives us any account, had their system of penology and fashioned in their own chosen way their execution. But we are proud of the fact that America gave to the world the first penitentiary, and here was born the idea of reformatory discipline in a prison. This grand conception, as a means of repressing crime and reclaiming fallen men, was taken up by all the states of this confederacy, and until about the year 1835 the American states were leading the civilized world in their enlightened and improved methods of punishing crime. Since then, however, England and some of the older governments have outstripped and gone far in advance of our people. Montana has a place among the American commonwealths, and is now in sight of statehood, securing to her people full and equal political rights with those of other sovereign states of this great confederacy of states; the swelling tide of immigration to this great empire of unfolding wealth gives to the thoughtful statesman no uncertain sound, its warning voice counsels to prepare and lay well the foundation of every department of this rising government, and especially to provide the amplest security to the citizen against crime and violence. Montana cannot afford any longer to neglect and refuse to have a state prison, one of such architectural proportions and dimensions, extent and security as will fully answer all the present and future demands of this growing power, and the same put under such humane government and control as shall comport with the enlightened age in which we live. Montana is no longer an orphan, capable only of exercising such power and doing such things as the congress of the United States allows, but is a full-grown, well-matured intelligence, self-reliant, and fully capable of carving out and shaping her own institutions, and giving direction to their administration. Shutting a prisoner up in a bastille and separating him from the world is not enough. It is neither just to him nor to the state to stop with that little measure of punishment; but, in addition, there should be imposed on him hard labor, in his confinement within the walls of the prison house and behind the bolted doors. This is an element of discipline which should be administered and enforced by the corrective hand of the state, and the guilty criminal should in this way be forced to contribute in some degree to his own support while drinking of the bitter cup he himself has prepared. There is no hiding the fact that crime holds high carnival in our land.

The detention and punishment of crime form one of the greatest items of cost to our government ; and it requires armies of officers to hunt and discover criminals, and yet governments are powerless to prevent the commission of crime. The hope of eternal bliss and the fear of eternal woe are alike powerless. The convict required to work in prison, as honest people do outside, will be prepared to better fill his place as a free man when again turned out upon the world.

## HOUSE OF REFORM.

It is a source of sorrow and regret, and hangs as a dark curtain over the hearthstone of many homes, that many of the youths of our territory, while yet in the morning of life, fall victims to crime, and become subjects of punishment by the government. In the absence of any other provision for their confinement, they are sent to the county jail or to the penitentiary, and there kept in idleness, the associates of older men who are hardened and skilled in crime. Thus the state is actually putting in apprenticeship the offending youth to the tuition and molding of the very worst men and most offensive characters in the commonwealth. Those young pupils, already marked as felons, are ready to absorb and become saturated with sin and the evil spirit, cherished and nursed in malice toward the world by older adepts in crime. In many instance they come out worse in heart, and eagerly enter upon a bolder life of shame and wrong-doing. There is a solemn obligation upon the government to extend its strong arm about the youth of the country, and guard his way well against the evil and vicious population, not only those of that class who go at large seeking whom they can seduce, but also against those in its own possession and confinement in prison. The duty of the government does not cease toward a wayward boy who has been convicted of crime. He may be only 15 to 20 years old, and should not be thrown away; nor should he be sentenced to a life of idleness, under the instructions and tutelage of the vile and debauched criminals gathered in council in the penitentiary. Such a disposition and such a means of correction and reclaiming the fallen youth of the state are a shame and a mockery, and deserve no favor in any enlightened community. Nevertheless, government is compelled to inflict punishment on the young who embark in crime as well as upon the adult and that punishment should be certain and positive. It is essentially important that hard labor be exacted of the young offender; keep him engaged, and have him learn that labor is helpful and inspiring, and is the great platform on which man in this world is to play his part, doing good to others and honoring his Creator. It is the greatest folly to coerce the bad boy by punishment without making him better by instruction. Imprisonment in the county jail or the

penitentiary neither deters nor reforms, because there is no labor there. It is demoralizing in the extreme to those of tender years. Physical employment in the construction of building improvements, ornamentation of grounds, in the workshop at mechanics and in field of agriculture, is refining and helpful in its influences, and elevates the tone of human ambition. There is not a mother or father, however bad the child may have been, but is tormented and crushed in heart more from a knowledge of the base and despicable associates in prison given to the child by the law than the punishment inflicted. The sorrowing family to which disgrace has come, through the criminal act of the child, still has hope that he will return reclaimed and made strong against temptation. But this hope and these expectations are all darkened and filled with increasing alarm by the fact that he is in the midst of teachers already graduated in crime; and are haters of all that is holy and virtuous. In addition to the care and interest the government should have for the reclamation of the young offender, it is due to the family from which he comes that he is so handled by the government as to strengthen the force of the home counsel, from which he has turned away, and to encourage a hope of his reformation. Hope, you will remember, is a friend whose whispering voice animates and invites us to something better yet to be attained, and is the last friend on earth that forsakes us.

I am glad to learn that in almost every state of this enlightened Christian country there are institutions provided by law for the confinement and correction of this class of our race, separate and apart from the baser and more hardened ones in crime. The success and rich fruits resulting from such separate systems have been so amazingly great, and so full of happiness to rejoining families to whom the prodigal child has been returned, that now there can be found only a few civil governments without such institutions. They stand out in every country where erected as great lighthouses, illuminating all within and shining out upon the world without.

I do most earnestly urge upon you and recommend that you carefully prepare and enact a law providing for the purchase of grounds and some suitable place in the territory, and building thereon a house of reform, giving the institution such name as you shall deem appropriate, for the confinement, punishment and discipline of those who shall be of tender years, when found in crime. Such institution should be of suitable dimensions, and have such attachments, workshops and space for gardens, lawns and other grounds as may afford every facility to the training work and instruction of the inmates there confined, and proper provision should be made for its being placed in charge of true men and women, competent and fitted for the high and sacred trust confided to their care and government.



Moreover, I recommend that this class of offenders, while in jail awaiting a trial, shall be kept each one in a separate cell, and not allowed to mingle and converse with the older ones, or any of the prisoners there confined. And I respectfully suggest that you make some provision so that each and every prisoner of whatever age, while confined in jail, be kept separate from all others, and not allowed to mingle and counsel with each other, gamble and form conspiracies for further criminal enterprises. And I recommend that the county commissioners of every county be required to make improvements in their jail, so as to conform to this requirement.

#### ASYLUM FOR THE INSANE.

Montana's people following in the light and example of older governments, and animated by the same Christian spirit, have in former years enacted laws showing the tenderest interest and care for the poor and unfortunate afflicted; in fact, offering to feed the hungry, clothe the naked, heal the sick, give sight to the blind, speech and hearing to the deaf mute and employment to the willing worker. Every child is the ward of the territory, and its treasury is open to its educational necessities—to the raving maniac as well as to the vacant-minded idiot. The system of help to the insane of the territory, providing for their care and treatment, has been for a number of years the contract system, and pursuant to the provisions of the statute on that subject, Doctors Mitchell and Mussigbrod contracted and agreed to receive into their asylum at Warm Springs, in Deer Lodge county, all those who are adjudged insane and sent there to lodge, care for and treat them for their diseases. And under that contract this class of unfortunate people have been kept and maintained, guarded and treated since the beginning of January, 1874, to January, 1889, at the aggregate cost of \$360,000.

The statistics of this terrible malady for these years show that it is increasing in a most alarming degree. There are now in the institution—patients. No complaint is found against these gentlemen for the manner of conducting the institution, or the way in which they have performed their contract. But, upon the contrary, much praise and honor is due them for their humane nursing, kind attention and skillful treatment of these sufferers while in their charge. The record will show you that through the years of their possession of these helpless insane ones of our population they have treated, and restored to reason and fitness for the freedom of life, and turned out—persons. It is a home to which is sent the old, the young and middle aged, male and female, and from almost every nationality, including the untamed Indian. The number who have died there is about—

The time has come when this system of help to these wards of the government should be improved, and made to rank side

by side with those that so much adorn the older states. This new and rising commonwealth should have an asylum for the insane, known and understood to be the property of the government. No man or woman connected with its care and the treatment of the patients should have any pecuniary interest in the institution, or the confinement or release of the afflicted people received therein. They should be absolutely in the custody and care of the territory, and borne upon the warm hearts of the people, above every sordid, selfish suggestion of private interest.

I do most earnestly recommend that you act upon this important subject promptly, and I trust your wisdom and love of our race will open the way and lead you to provide for the purchase of that beautiful and well built and arranged property and asylum owned by Mitchell and Mussigbrod, or some other grounds suitably located and adapted to the purposes of such asylum, and for the immediate construction of all necessary houses, lawns, gardens and water supplies; and I urge upon you that in case you shall determine to buy and build you adopt the cottage plan. It is the purpose and settled decision of every constituent, male and female, adult and child, represented in the halls of this legislative assembly, that these unfortunates of Montana's people shall have a home for treatment, and be provided for with liberal hand now and for all the years of the bright future awaiting this people's government.

My predecessor in office, in his able message to the fifteenth legislative assembly, laid this subject before that body, and urged that they make the provision that I now again lay before the people's representatives.

#### HOLDING INQUESTS IN CASE OF ALLEGED INSANITY.

The laws of this territory on the subject of holding inquests over persons charged with insanity are full of glaring defects, and need to be carefully revised and amended. I have reason to believe that much abuse and wrong have been practiced upon weak and innocent persons under the present statutes on this subject. To charge a person with insanity, and have an inquest thereunder, is a proceeding to take away his freedom, and confine him in prison behind bolted doors in the hands of strangers, and away from the tenderest kindred ties of loved ones at home there to languish and await the keeper's favor to grant release. Remembering the long years of unjust confinement in the prison of Joseph, at the instance of a bad woman, and the bloody murder in prison of John the Baptist, and the great number of instances where under this insanity charge and successful manipulation of unworthy allies, men have put away their wives, children their parents, and other family ties have been severed, and good names blackened by this means of plunder and robbery of the most sacred of all the God-given rights of man,

every precaution should be studied and provided, and a sentinel provided by law stationed at the doorway of every attempt through the means of a proceeding in the name of the law to establish insanity upon anyone; and that sentinel should be charged to guard well the trust confided to him. I have information, and believe it to be true, that here in Montana, malice, greed and other most unworthy and offensive agencies have played their part in more than one nefarious scheme of that grade. The present law should be amended so that no person shall be put upon trial under this charge until the county attorney or some other lawyer, skilled and able in the profession, is provided, and is present to assist the accused, and guard against abuses such as those to which I have referred. I further recommend that twelve citizen housekeepers be the jury to hear the evidence and pass upon the question of the alleged insanity. This is the provision made by law for all who are arraigned upon a criminal charge, both as to counsel and the jury. And why not guard liberty and free locomotion as well to the one accused of insanity as to the criminal? A conviction in either case is loss of liberty and imprisonment. This security will more effectually guard the treasury against fraud and imposition.

#### ESTATES OF THE INSANE.

There are oftentimes persons convicted of insanity and sent to the asylum who have more or less estate, but no relations in this country. I have information that there are several of this class now in the asylum, with no probable prospect of their recovering. Some, if not all, of their estates are in the hands of volunteer, self-appointed keepers, and how managed, or what inventory or report of it is made, the courts and records fail to show. The law should be so framed as to make it the duty of every judicial officer before whom a conviction of insanity is had to ascertain immediately the estate, if any, owned by the patient, its kind, the locality, the amount, in whose possession, and whether there are relatives in the territory; and to make report thereof to the probate judge of the county. The law should charge him and the county attorney to institute proceedings and prosecute to the possession of the estate, and secure its preservation and increase for the owner, or those to whom it will go at his death. The territory is now paying eight dollars per week for the care and treatment of several subjects in the asylum, one of whom had an estate of ten to fifteen thousand dollars, and no relatives in the United States, so far as known, and others of them have estates amounting to many thousands, but no relatives. If any one of this class shall die before recovery and discharge, the estate of such will escheat to this territory, as in case of anyone else dying here without

heirs. It is therefore not only just to the deranged patient and to his heirs that his property shall be in the possession and keeping of this territory, and made to grow, but it is also a matter of interest to the territory itself. All such property, of whatever kind, should be ascertained, and those now holding it required to secure or surrender it to a public officer.

#### KEEP POLITICS OUT OF STATE INSTITUTIONS.

The public spirited and large liberality for which Montana's people have already become distinguished and so noted is a pledge and guaranty that they will not lag behind the progressive, outreaching benevolence which shines so brightly in the states, but will erect and liberally support state prisons, insane asylums and all other eleemosynary institutions that the wants of people may suggest. They should be constructed and arranged with a view to alleviate suffering, correct and restore to the sunshine of life, and should in the nature of things be committed to the care, oversight and superintendence of agents and servants chosen and trusted by the government. It is the purpose and aim of the people in thus creating those institutions to have them so arranged and conducted as to secure the improvement of the unfortunate and reform the criminal, thereby conducing to the public good. It is expected that every citizen will have heart and pride in such institutions, and approve the amplest appliances for their certain success. To accomplish that end these institutions should never be allowed to have about them the slightest tinge of partisanship. No people ever did create, found and open the doors of such institutions with the view to uphold or support a political party. Yet it is an open fact that in the government of England, and in many of the states of America, such has been their use; and in some instances so shameful that public sentiment and the higher order of statesmanship have found a correction that has been most successfully applied. And I now commend and urge you to adopt and establish here in Montana the same effectual barrier to such prostitution in the management. That provision or preventative is to be found in passing a law directing and providing that in each and every institution the superintendent, officers, agents and servants into whose care, conduct, oversight and management they are placed shall be selected in equal numbers, as nearly as may be, from each one of the principal leading political parties of the territory; and in filling every vacancy that shall occur the same rule shall be observed. For a great number of years this rule has been observed and most strictly enforced in all the state and congressional elections with reference to the officers set apart and placed in charge of the polls and ascertainment of result for publication. No thoughtful, just-minded citizen would have this rule as to elections changed. The congress of the



United States in completing and rounding up the inter-state commerce law, and providing commissioners to overlook and apply its provisions, inserted the same direction as to their selection and appointment; and there are other acts of congress, and many of those passed by state legislatures, in which this same care has been taken, and in every instance its practical working has been found acceptable.

#### AGRICULTURE.

Montana's rich mines of gold, copper, silver, lead and coal, supplying the world with thirty to fifty millions of wealth every year; the rich grasses that cover the mountains and valleys, upon which millions of stock feed and grow, yielding so much of riches, and the fast growing spirit of agricultural enterprise in this empire of territory, are the great foundation interests of the people you are called to represent. Neither one must be neglected, nor must the forces engaged in their toil. If there is one interest above all others, the chiefest and most lasting as a foundation support to the government, it is the agricultural. No human avocation is more honorable. It is a department of life service to the world, having many divisions and departments, each of which pours its stream of joy into the family, and feeds the hungry multitude. No government can not long be a success that neglects the culture and encouragement of ancient husbandry—the least hazardous of any avocation. The beautiful valleys, hills and plains of this wonderful territory are fast filling up with educated people, full of energy and wisdom. Chaucely arranged homes and farms are laid out, rich grain fields and growing herds invite the stranger's favor; while the cheaply made fabulous yields are full of remuneration to the laboring thousands. There is not a state or country in America, the soils and grasses of which yield a better or higher paying reward to the farmer than those of Montana. The tillage of the soil combined with stock growing has found great favor and proved to be successful. The great agricultural interest has not had its full and first place in the legislation of the territory. Montana's agricultural capacities, encouraged and cultivated, promise her the same high and leading distinction—and even greater—than is now accorded to her on account of her greater output of the precious metals and inexhaustible empire of grass.

I recommend that you create a territorial board of agriculture for Montana, provide for its organization and service in this great interest, and supply it with a reasonably liberal support from the public treasury, to carry forward its efforts in advancing and developing this vast source of wealth in these mountains. Its wealth to the country is not alone in dollars and cents, but its steady practice educates, refines and expands the moral

and physical man, strengthens him for good citizenship and repels the approach of crime.

#### TIMBER, FISH AND GAME.

Connected with the subject of tilling the soil, there is one other important interest, full of value to the people, namely, the timber, fish and game. This territory is rich beyond the computation of figures in these God-given blessings and supplies, and a wise statesmanship should guard with the greatest vigilance against their destruction. I have reason to believe the laws already on the statute book upon these subjects are violated in every county in the territory, and within the last two years great injury to the wealth of the country has been inflicted. I charge you to scrutinize well these laws, and to tighten the bands against this reckless waste and destruction.

#### BOUNTY FOR KILLING WOLVES, ETC.

Moreover, I recommend that you pass a law offering a bounty, reasonable in amount, for the killing of those enemies to civilization—the wolf the coyote and mountain lion. They are, perhaps, the meanest and most cowardly trio of animals that live, and live by stealing. The most careful and best possible safeguards should be incorporated in the law against fraud in its administration.

#### ELECTION LAWS.

It is almost twenty-five years since the few white men and women then in Montana, surrounded by many unfriendly Indians, decided to plant permanently in these mountains the standard of American civilization. Pursuant to that decision, they appealed to the congress of the United States for its favor, and the organic act was passed, under which this territorial government was organized. That act of congress, containing suggestively the frame work of the government, and granting authority to make it complete, has served, and is yet the constitution of this territory, and by virtue of the authority therein granted, the people have, from time to time, met in legislative assembly, and formulated their views and wishes into laws. One of the duties devolving upon the law-making power of this new government, and of first importance, was to declare the terms on which the citizen could acquire the right of suffrage, and how the will of the people, through the process of elections, should be ascertained, and to protect and secure every one entitled to the exercise of this high function, and to guard well against any and every one who would dare interfere. The men whose far-seeing wisdom inaugurated this government knew well, and fully appreciated the right of free suffrage, and understood its power.

They provided a ballot for every citizen, entitled under the law to vote. The voting privilege is a sacred right to the voter, and every lover of the government is interested in preserving to him that right, and warding off every attempt to weaken the force of its exercise. All over the states of America we hear much of fraud in elections, intimidation, bribery, etc.; and it is claimed that in many instances the people have been robbed of their choice in elections, and results most humiliating and unwelcome forced upon them. The law should be plain and explicit, showing who should be allowed to vote, and the precinct or township where his vote must be cast. I respectfully suggest that in this regard the laws of the territory should be changed so that every voter shall be required, if he votes at all, to vote in the precinct or township of his residence, and not allowed to vote at another; that he be not allowed to vote until he has been a resident citizen of the territory, or have declared his intention to become such, for at least six months, and of the township where he offers to vote for at least thirty days. The government is kept alive, and its activity in ministering to the wants and necessities of the people must be through agencies primarily elected and provided by the people. The voters of the government constitute but a small part of the population for whom the government is created and upheld, and the greatest care should be observed to guard every one of them from intimidation or other vicious influences, tending in any degree to weaken the force of the trust confided to him. It is a great crime against free suffrage and against the people to corrupt the voter, or to offset his voice at the polls with ballots unauthorized by law. Every attempt to inject into the election count illegal votes, or to clothe a legal vote with the garment of bribery or other criminal tinge is a stab and a wound in the direction of death to free government. I recommend that you prepare and pass a bill recasting the election laws of Montana, and provide the amplest security to those who, by the law, are invested with the responsibility of suffrage, and effectually bar the door against those who would engage in the crime of its debauchery. This subject demands your most earnest attention.

In the state of New York and many other states, and in nearly all the large cities, they have registration laws. Their practical operation upon those people has proved to be a success, and I commend most earnestly to your careful study and favor the preparation and enactment of a registration law for Montana. Your statesmanship will master the question and arrange the details of such a bill without further suggestion; and a measure of this kind conditioned to apply to the people of this territory will be found to be the strongest safeguard against the enemy to free and fair elections. It is said "penal laws are ineffectual to prevent bribery, intimidation and fraud," and that "the primary remedy is the secret ballot." I have had occasion to bestow some

study upon the so-called Australian system of voting, which has recently been adopted in the state of Massachusetts, and went into effect in that state at the beginning of this year. It has been tried, too, in the governments of England, Scotland, Ireland and Canada, and had the favor of those countries. There certainly are some wise features and effectual safeguards against intimidation and bribers in this system, and some of which, if not all, might be made useful in this territory.

#### ATTORNEY GENERAL.

At the extra session of the last legislative assembly, held in September, 1887, a law was passed exempting the county attorneys from appearing as counsel for the territory in the supreme court, and repealing the law in that regard. The bill so passed created the office of attorney general for the territory, and prescribed the duties assigned him. It also provided that the governor should nominate and appoint by and with the advice and consent of the council. The governor made a nomination for that office in pursuance to the provisions of the law, and the same was rejected by a majority of the council, and that body adjourned leaving the office that they had created vacant. The first term of the supreme court after the adjournment of said extra session of the legislature, was in the early days of January, 1888. The public interest demanded that there should be an attorney general (since the county attorneys were exempted) to look after and attend to the business of the territory pending in that court, and likely to occur in the after terms of the court. Because of such necessity, Hon. William E. Cullen, a gentleman and lawyer of distinguished and known ability, residing in the city of Helena, was appointed on the thirty-first day of December, 1887, and commissioned by the governor to fill and discharge the duties of that office for the time, and until the last day of this regular session of the legislative assembly for the territory of Montana. He accepted the appointment, and has most faithfully met and performed all the duties of his office. There is a statute in the territory, enacted February, 1879, which forbids the payment of any salary or compensation to any public officer appointed by the governor till his appointment is approved thereafter by the legislative council, provided the vacancy in office, to fill which such appointment is made, existed at the adjournment of the legislative assembly preceding such appointment. Under the frowns and remonstrating voice of that law, the attorney general has been kept out of any pay for his valuable services to the public, and has never received anything. I recommend that you at once provide for the payment of his salary. Surely there is no man in Montana ready to refuse this just and long delayed claim. The attorney general has made a detailed report to the governor, showing his services rendered, and his careful



and laborious examination of the statutes of this territory, and subjoining some wise suggestions, which I submit for your consideration.

#### CODIFICATION OF THE LAW.

I ask your earliest attention to the unsatisfactory condition of the statute law; to the fact that in many particulars it is not up to the standard of progress which characterizes the policy and jurisprudence of the most advanced and enlightened states; and to its manifold inconsistencies and uncertainties. The injunction to "know the law" should succeed intelligent enactments, and not be made before them; and the time is come for you to adopt a plan so to relieve the law of its existing confusion, and to fix its rules, that the people who are expected to obey them may know them. It has been found possible by experience to codify the rules of the common law and to reduce them to the form of the statute.

David Dudley Field, whose able and persistent efforts were begun in 1839, is entitled to the credit for the first of such possibilities, and the legislatures of California and Dakota to the other; while New York has only been prevented from adopting the full results of her several code commissions because her legislature had been too much occupied with special legislation to give the necessary time for their consideration—a reason which does not exist in Montana and should not delay you. One of those results—the code of civil procedure—has been adopted by New York and by twenty-two other states and territories, including Montana, and there is every reason for the opinion that the penal, political and civil codes belonging to the system, of which the code of civil procedure is a part, will, if adopted into law here, prove equally salutary and beneficent. I, therefore, recommend that a law be framed by you for the appointment of a code commission, to be composed of gentlemen learned in the law, with sufficient power and means to prepare and present for the consideration of the legislative assembly at a future session a code or codes of the law; that the rules therein contained be a reduction to the form of statute of the body of the law; that the powers of the commission be plenary in the adoption of the results of other American codifiers, preserving, however, those statutes in existence in Montana which have been enacted with reference to local conditions; and that the rules contained in such code or codes, when authoritatively prescribed, be the law and the only law of this commonwealth, except so far as the same may be controlled by the constitution and laws of the United States, or by subsequent enactments of the local assembly. Sufficient time should be given to the commissioners to discharge their important duties with care and accuracy, and a sufficient means should be placed at their disposal to enable them to perform their task conveniently and with suitable facilities.

## MILITIA.

I submit herewith the biennial report of the adjutant general to December 1, 1888, showing the state and the strength of the National Guard of Montana. I cordially approve of the recommendations he makes to bring the regularly enlisted, organized and uniformed active militia of Montana, which constitutes the National Guard, to a degree of effectiveness for immediate service in the field in the event such services should be at any time required. Since the date of the report the two houses of congress have made a special appropriation of about thirty-three thousand eight hundred dollars to arm and equip the National Guard of Montana, and the bill so passed will doubtless receive executive approval. The law authorizing and regulating the National Guard is extremely defective and should be so amended as to create a system of rules applicable to their object, and I hope that the enactment of proper and needed rules and regulations upon that subject will receive your careful attention. In imitation of the law of many states and territories, where no larger force of active militia is encouraged or required than that of Montana, the offices and duties of quartermaster general, commissary general, inspector general, paymaster general and judge advocate general are united with and devolve upon the adjutant general, with authority in him to appoint an assistant; and as there cannot be a well-ordered, active militia without an adjutant general, and as his report shows that the proper discharge of his duties require considerable time, attention and familiarity with those duties, I suggest that the offices above be combined, and that a salary be fixed for the adjutant general and his assistant compensatory to the services rendered.

## MONTANA LIBRARY.

I submit with this communication to you the report filed with me of Hon. N. W. McConnell, chief justice of the supreme court, touching the care and supply of the Montana library, and I invite your favorable action upon the suggestions and recommendations of that report. I mention the further fact that there are thirty-five hundred to five thousand volumes and publications of the miscellaneous part of the library, for the care and preservation of which sufficient provision is not made. I invite you to come and see for yourselves the condition it is in, and to adopt the proper remedy. This library, that is the law, miscellaneous and historical departments, should all be made one great, growing interest in the territory. Already it is one chief attraction and subject of praise and wonder to all strangers who visit the capital, and it is the pride of Montana's people as they point to it, and realize that its present proportions and extent far exceed like enterprises and departments in many of the states.

This one interest in Montana should be nursed and made to grow by the legislature. I trust you will open a liberal hand to its encouragement.

There are a number of great interests, full of promise and much of the spirit of enterprise and investment of capital, all over this territory; and yet there is no conflict of interests or antagonizing forces in the industries and striving development of this country. In the natural conformation of the territory there is, and must forever be, eastern, western, northern and southern divisions of this government. Nevertheless, these parts are one common whole, and one government. You are the trusted agents to consider and act for all, and not for a part of the people; and no such thing as class legislation or sectional measures will receive your favor, except as may be for the public good. Each part of the territory must help support the other, and so every separate interest and industry must hold up the other. I shall gladly help and co-operate with you in everything for the honor and for the good of this people.

PRESTON H. LESLIE, Governor.

The message was placed on file.

On motion of Mr. Thompson of Deer Lodge county, of the council, the thanks of the joint convention were tendered to his excellency, the governor, for his courtesy extended to the members of this convention in attending in person to deliver his message.

On motion of Middleton of the Council, at 1 o'clock p. m., the joint convention adjourned.

#### IN COUNCIL.

The council was called to order at 1 o'clock p. m.

President in the chair.

Quorum present.

On motion of Kennedy a committee consisting of Messrs. Kennedy, Collins and Hatch was appointed to examine the governor's message and apportion the various subjects thereof to their appropriate committee.

On motion of Bickford the council adjourned until tomorrow at 10 o'clock a. m.

CHARLES K. COLE, President.

JOHN R. EARDLEY, Chief Clerk.

## THIRD DAY.

COUNCIL CHAMBER,  
Wednesday, January 16, 1889.

Council met pursuant to adjournment at 10:00 a. m.

Roll called—quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.

## REPORTS OF SELECT COMMITTEES.

*Mr. President:* Your select committee appointed to ascertain the number of miles necessarily traveled by members of the Sixteenth Legislative Council in reaching the seat of government of Montana and returning to their homes have performed that duty, and beg leave to report as follows:

Brown, L. A. ....	306 miles.
Bickford, W. M. ....	254 miles.
Conrad, W. A. ....	480 miles.
Collins, Jerry. ....	202 miles.
Hoffman, C. W. ....	220 miles.
Hatch, G. M. ....	318 miles.
Kennedy, Will. ....	78 miles.
Middleton, C. R. ....	774 miles.
Olds, L. B. ....	268 miles.
Thompson, W. M. ....	128 miles.
Thompson, William. ....	152 miles.
Cole, C. K. ....	2 miles.

Report of committee received and committee discharged.

Brown, from committee on rules, was granted further time to report.

## NOTICES.

*Mr. President:* I hereby give notice that I will on tomorrow or some subsequent day ask leave to introduce a bill to provide for printing and distribute ballots at the public expense, and to regulate voting at territorial county and city elections.

KENNEDY.

*Mr. President:* I hereby give notice that on tomorrow, or some future day, I will introduce the following bills:



To divide the counties into three districts each for the purpose of electing county commissioners:

Joint memorial to congress protesting against the admission of Utah as a state. THOMPSON of Deer Lodge.

#### MOTIONS AND RESOLUTIONS.

Middleton, by leave, introduced joint resolution No. 1, providing for the payment of printing, postage, etc., not provided for by the general government.

Read first time.

On motion of Kennedy rules suspended by unanimous consent.

Resolution read second and third times, and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—none.

10:30 O'CLOCK A. M.

On motion of Kennedy council took a recess until 2 o'clock p. m.

The council re-assembled at 2 o'clock p. m.

The president in the chair.

Roll called—quorum present.

Journal of morning session read and approved.

#### REPORTS OF SPECIAL COMMITTEES.

Brown, from committee on rules and joint rules, was granted further time to report.

Middleton by leave moved to reconsider the vote by which council joint resolution No. 1 "providing for the payment of printing, postage, etc., not provided for by the general government," was passed this day.

Carried.

On motion of Middleton the words "one hundred" on line 18 of resolution were changed to the word "Fifty."

On motion of Kenedy, rules suspended, resolution considered, engrossed and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson, H. M., Thompson, Wm., Mr. President—12.

Noes—none.

#### NOTICES.

*Mr. President:* I desire to give notice that on to-morrow or some subsequent day I will introduce a bill to create the office of public examiner and define the duties of the incumbent thereof.

COLLINS.

*Mr. President:* Notice is hereby given that on to-morrow or some future day I will introduce a bill to establish a territorial board of steam boilers and for the examination and licensing of stationary engineers.

THOMPSON, Silver Bow.

Collins, by leave, introduced council joint resolution No. 2, thanking Hon. J. K. Toole for his efforts in behalf of statehood and affirming Montana's rights to admission.

Read first and second times.

Collins moved suspension of rules and that the resolution be placed on its final passage.

Thompson of Deer Lodge moved the previous question.

Roll called, with the following result:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—none.

The main question being now put, the rules were suspended by unanimous consent.

Resolution considered engrossed, read third time and passed by the following vote:

Ayes—Messrs. Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Mr. President—10.

Noes—Messrs. Brown, Thompson of Silver Bow—2.

Middleton asked leave to offer council joint resolution No. 3, asking congress to donate the Fort Ellis military reservation to the territory of Montana for an agricultural and mechanical college.

Kennedy called for the reading of memorial.

Memorial read first and second times.

On motion of Middleton, rules were suspended.

Resolution considered, engrossed, read third time and passed by the following vote:

Ayes—Messrs Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—10.

Nays—Kennedy, Mr. President—2.

#### HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 16, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the house has passed the following resolution, entitled house joint resolution, No. 1, and the same is herewith transmitted. Respectfully,

BENJAMIN WEBSTER, Chief Clerk.

House joint resolution No. 1, providing for extra clerks for council and house and compensation therefor, read first and second times.

Rules suspended, read third time and lost by the following vote:

Ayes—Hatch, Mr. President—2.

Nays—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—10.

On motion of Kennedy, the final vote just passed was reconsidered and the resolution referred to a special committee, comprising Thompson of Deer Lodge, Middleton and Brown.

Mr. Olds moved to reconsider the vote by which the minutes of yesterday were approved.

Carried.

Minutes amended by transposing the words "Olds and Middleton." Minutes as amended approved.

On motion of Thompson of Deer Lodge, council took a recess for ten minutes.

Council re-assembled at 4 p. m.

President in the chair.

Roll called—quorum present.

Thompson of Deer Lodge, by leave, made the following report:

*Mr. President:* Your select committee appointed to consider and report upon house joint resolution No. 1, providing for the hire of extra clerks, would report having had the same under consideration, and recommend the adoption of the enclosed substitute therefor. Respectfully submitted,

THOMPSON of Deer Lodge.

MIDDLETON of Custer.

BROWN of Beaverhead.

On motion of Middleton, the substitute for house joint resolution No. 1 was adopted.

Read first and second times. The rules were suspended, substitute considered engrossed, read third time and passed with the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—11.

Nays—Mr. President—1.

On motion of Kennedy, council adjourned at 4:15 p. m. until 10 o'clock to-morrow.

CHARLES K. COLE, President.

JOHN R. EARDLEY, Chief Clerk.

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#### FOURTH DAY—THURSDAY.

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COUNCIL CHAMBER,

Helena, Montana, January 17, 1889.

Council met at 10 a. m. pursuant to adjournment.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Report of select committees.

Mr. Brown made the following report:

*To the Honorable the President of the Council:*

The undersigned, your committee to whom was referred the rules of the council and joint rules of that body with the



house for the present session of the legislature, respectfully report that we recommend the adoption of the rules, joint rules and order of business, as adopted by the council at the fifteenth session thereof, with the following exceptions:

We recommend that council rule No. 26 be amended so as to read as follows:

No. 26, second and third readings.

All bills shall be read three times before their final passage, and may be read twice on the day of presentation, and no bill shall be passed unless it shall have been read twice at length.

We further recommend that rule No. 38, relating to standing committees, be amended by striking out the words "Indian affairs," the same being the twelfth subdivision thereof, and substituting therefor the words "territorial affairs."

Further, we recommend that rule No. 40 of the council rules of the fifteenth session be repealed, and that the following rule be substituted in its place as one of the joint rules of the council and house, to-wit:

"When bills are enrolled they shall be examined by a joint committee of two from the council and three from the house, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.

Upon the presentation of an enrolled bill by the joint enrolling committee of the two houses to the presiding officer of one of the houses for his signature thereto, he shall rise in his place and give notice that he is about to sign the same, giving the title thereof. Whereupon, if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officers signing the same shall be of any avail if the same conforms to the engrossed bill as it passed both houses."

We further recommend that council rule No. 53 be amended so as to read as follows:

No. 53—Printing. All council bills of a general nature shall, after their second reading, be printed without special order from the council. Provided, that under no circumstances shall the original be placed in the hands of the printer, but a true copy thereof shall be made under the direction of the printing committee, and forthwith by that committee delivered to the printer, with instructions to print a sufficient number of copies thereof and return the same without delay.

And your committee further recommend, that the council and joint rule No. 12 be amended by inserting therein before the word "doorkeeper" in the third line thereof, the words "sergeant-at-arms, or in his absence the."

And it is further recommended, that joint resolution No. 15, as adopted by the fifteenth session be, and the same is hereby amended so as to read as follows:

No. 15.—After the bill shall have thus been signed in each house, it shall be presented by the joint committee of enrollment to the governor for his approval and the said committee shall forthwith report to their respective houses, the day and hour of presentation, which shall be entered upon the journals of each house.

Your committee further recommend that immediate action be taken by the council to procure the rules to be printed as soon as possible after they have been adopted, for the reason that there are but four copies of the rules of the last session, and not sufficient to supply the members each with a copy.

All of which is respectfully submitted.

LAWRENCE A. BROWN,  
C. R. MIDDLETON,  
WM. THOMPSON,

Dated Jan. 17th, 1889.

Committee.

Kennedy offered the following:

*Mr. President:* I move that the report be amended by substituting for subdivision 17 of rule 38 of last council rules the words "17—joint committee on enrollment." KENNEDY.

Carried.

Report of committee as amended adopted, on motion of Kennedy.

On motion of Kennedy, the committee was discharged and rules referred to printing committee when appointed.

#### NOTICES.

*Mr. President:* I hereby give notice that on to-morrow or some subsequent day I will introduce the following bills, to wit:

To amend section 63 chapter 3 of the probate practice act.

To amend section 1708 chapter 100 of the revenue act.

THOMPSON, Deer Lodge.

#### MOTIONS AND RESOLUTIONS.

*Mr. President:* I move that the secretary of the territory be requested to provide the chief clerk of the council with a suit-

able desk for the proper and convenient transaction of his business.  
KENNEDY.

Adopted.

JOINT MEMORIAL

By Thompson of Deer Lodge.

Joint memorial No. 4, against the admission of Utah as a state.

Read first and second times.

On motion of Middleton, rules suspended.

Memorial considered engrossed, read third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—11.

Noes—Kennedy—1.

At 11 o'clock a. m., on motion of Kennedy, council took a recess until 2 p. m.

IN COUNCIL.

Council re-assembled at 2 p. m.

President in the chair.

Roll called—Quorum present.

Report of select committee.

By Kennedy—*Mr. President*: Your committee to which was referred the governor's message begs leave to report as follows:

The section relating to the finances of the territory should be referred to the committee on ways and means.

The section referring to the dereliction of officers should be referred to the committee on towns and counties.

The section in regard to Sunday laws should be referred to the committee on education and labor.

The paragraph relating to a public examiner should be referred to the committee on territorial affairs.

The section relating to education should be referred to the committee on education and labor.

The section concerning a territorial penitentiary should be referred to the committee on internal improvements.

The section concerning a house of reform should be referred to the committee on education and labor.

The section recommending the erection or purchase of an insane asylum should be referred to the committee on internal improvements.

The section concerning insanity patients should be referred to the committee on judiciary.

The section relating to the estates of insane persons should be referred to the committee on judiciary.

The section relating to agriculture should be referred to the committee on agriculture and manufactures.

The section referring to politics in state institutions should be referred to the committee on elections.

The paragraph relating to timber, fish and game should be referred to the committee on agriculture and manufactures.

The paragraph recommending the passage of a bounty law should be referred to the committee on grazing and stock growing.

The section relating to electoral reform should be referred to the committee on elections.

The paragraph asking that the salary of the present attorney general be provided for should be referred to the committee on ways and means.

The section in reference to a codification of the laws should be referred to the committee on judiciary.

The section relating to the Montana National Guard should be referred to the committee on military affairs.

That part of the message relating to the Montana library and historical society should be referred to the committee on ways and means.

KENNEDY, Chairman.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 17, 1889.

*Mr. President:*—I am directed by the house to inform your honorable body that the following notice of bill was announced in the house:

By Hunt—A bill entitled "An act to prohibit gambling games."

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

The president of the council announced the following standing committees:



## WAYS AND MEANS.

Thompson, Silver Bow.  
Hatch, Fergus and Park.  
Collins, Choteau and Cascade.

## JUDICIARY.

Brown, Beaverhead.  
Middleton, Custer.  
Thompson, Deer Lodge.

## INTERNAL IMPROVEMENTS.

Kennedy, Jefferson.  
Hoffman, Gallatin and Meagher.  
Olds, Madison.

## FEDERAL RELATIONS.

Bickford, Missoula.  
Brown, Beaverhead.  
Middleton, Custer.

## EDUCATION AND LABOR.

Hoffman, Gallatin and Meagher.  
Thompson, Deer Lodge.  
Bickford, Missoula.

## TOWNS AND COUNTIES.

Middleton, Custer.  
Hatch, Fergus and Park.  
Olds, Madison.

## PUBLIC LANDS.

Thompson, Silver Bow.  
Bickford, Missoula.  
Conrad, Dawson and Yellowstone.

## INCORPORATIONS.

Olds, Madison.  
Conrad, Dawson and Yellowstone.  
Collins, Choteau and Cascade.

## AGRICULTURE AND MANUFACTURES.

Brown, Beaverhead.  
Hatch, Fergus and Park.  
Hoffman, Gallatin and Meagher.

## ELECTIONS.

Thompson, Deer Lodge.  
Collins, Choteau and Cascade.  
Thompson, Silver Bow.

## MINES AND MINERALS.

Olds, Madison.  
Brown, Beaverhead.  
Kennedy, Jefferson.

## IMMIGRATION.

Collins, Choteau and Cascade.  
Hoffman, Gallatin and Meagher.  
Brown, Beaverhead.

## ROADS AND HIGHWAYS.

Hatch, Fergus and Park.  
Middleton, Custer.  
Thompson, Silver Bow.

## MILITARY AFFAIRS.

Kennedy, Jefferson.  
Middleton, Custer.  
Olds, Madison.

## ENGROSSMENT.

Thompson, Deer Lodge.  
Conrad, Dawson and Yellowstone.  
Kennedy, Jefferson.

## PRINTING.

Collins, Choteau and Cascade.  
Thompson, Deer Lodge.  
Olds, Madison.

## ENROLLMENT.

Kennedy, Jefferson.  
Thompson, Silver Bow.

## GRAZING AND STOCK RAISING.

Conrad, Dawson and Yellowstone.  
Hatch, Fergus and Park.  
Bickford, Missoula.

## TERRITORIAL AFFAIRS.

Hatch, Fergus and Park.

Kennedy, Jefferson.

Thompson, Silver Bow.

On motion of Kennedy list of standing committees referred to printing committee.

Hatch (by leave) sent up the following communication with accompanying papers.

*To the Hon. Charles K. Cole, President, etc.:*

SIR: I beg leave respectfully to inform you, and through you your honorable body, the legislative council of the territory of Montana, that on the sixth day of November, 1888, I was duly elected a member of your honorable body to represent the district comprising the county of Missoula, by a majority of the electors of said county, and I beg respectfully to request that your honorable body will take such measures as will enable me to establish to you my said election and my right to the seat in your body now occupied by the Hon. W. M. Bickford, to whom the certificate of election was falsely and wrongfully issued.

I claim that a large number of votes cast for me in Heron precinct, in said county were taken from the ballot box, and ballots for the said Hon. W. M. Bickford substituted in lieu thereof by some person or persons, in violation of law and contrary to the will of the said electors.

I further claim with reference to said election poll at Heron precinct, in said county, that the said election was not conducted in substantial compliance with law; that for long periods of time there was no judge of election at the place where said polls were open.

That for a long period of time there was no more than one judge of election thereat, and that for a long period of time there was no clerk of said election at said place, and for other periods of time only one clerk of election thereat, and that for a long period of time there was no clerk of said election at said place, and for other periods of time only one clerk of election thereat.

I further claim with reference to said election, that if the entire precinct of Heron shall be thrown out, as by law it ought to be, the result would show that I was duly elected to represent said county in your honorable body.

I further claim that if the republican votes that were cast at said precinct for me had not been changed, I would have been duly elected a member of your honorable body from said county.

I further claim that the polls were not open at the precinct of Grantsdale at the place designated by law, but that they were removed substantially from said place and that there by the returns from said precinct do not represent the vote of the electors that would have been cast at said precinct, had they been held at the place designated by law; and that therefore the said precinct should be excluded from the count in determining who was elected in said county, and that a large majority of votes counted as from said Grantsdale precinct were counted for the Hon. W. M. Bickford, whereby he was declared elected, when in law and in fact the said polls ought not to have been so counted.

I further claim that in divers and sundry places and precincts in said county votes were cast for me which were not counted, and that votes were counted as for the Hon. W. M. Bickford that were not cast by any elector of said county. I have the honor to remain, very respectfully your obedient servant,

G. A. BENNETT.

Kennedy moved to refer communication and accompanying papers to committee on elections, upon which the roll was called with following result:

Ayes—Messrs. Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—7.

Nays—Messrs. Collins, Hoffman, Middleton—3.

Bickford was excused from voting.

Hoffman was granted leave of absence until Monday.

On motion of Collins the council adjourned at 3 p. m. until tomorrow.

CHARLES K. COLE, President.

JOHN R. EARDLEY, Chief Clerk.

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## FIFTH DAY—FRIDAY.

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COUNCIL CHAMBER,

Helena, Montana, January 18, 1889.

Council assembled at 10 a. m. pursuant to adjournment.

President in the chair.

Roll called—quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.



## NOTICES.

By Brown—*Mr. President*: I hereby give notice that I will on to-morrow or some day soon thereafter introduce a bill to amend section 1973, chapter (C. X.) 110, fifth division compiled statutes of Montana.

By Hatch—*Mr. President*: I hereby give notice that upon to-morrow or some subsequent day, I will introduce a bill for an act to provide for transferring certain probate records from Galatin connty to Park county.

By Bickford—*Mr. President*: I give notice that I will on to-morrow or some future day ask leave to introduce the following bills:

A bill amending chapter 9 of the fifth division of the general laws so as to allow the admission of women to practice law.

A bill amending chapter 2 code of civil procedure, relating to attachment in justice court.

A bill amending title 5, chapter 1, of the code of civil procedure, relating to the publication of summons.

An act regulating the taking up of estray animals.

By Middleton—*Mr. President*: I hereby give notice that on tomorrow, or some future day, I will introduce a bill relating to the drawing of juries and grand juries. And also a bill amending the law in relation to the employment of special counsel by county commissioners.

## INTRODUCTION OF BILLS.

By Thompson of Silver Bow—Council bill No. 1, to establish a territorial board of inspection for steam boilers, and for the examination and licensing of stationary engineers. Read first and second time and referred to printing committee.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 18, 1889.

*Mr. President*:—I am instructed by the house to inform your honorable body that council joint resolution No. 1 passed the house and that the final vote was considered and the resolution referred to a special committee of five.

That council joint resolution No. 4 was read first and second times and referred to a select committee of three.

That council substitute for house joint resolution No. 1 was adopted and ordered enrolled.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

On motion of Thompson of Silver Bow, the chief clerk was directed to enquire of the house concerning the apparent error reported in the house message just received of their action taken upon council joint resolution No. 1.

#### INTRODUCTION OF BILLS.

By Collins, by leave—Council joint resolution No. 5, providing for the printing of 1,000 copies of the governor's message.

Read first and second times.

On motion of Middleton, rules were suspended.

Resolution read third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hatch, Middleton, Thompson (W. M.), Thompson (Wm.), Mr. President—9.

Noes—none.

On motion of Thompson the council took a recess until 2 o'clock p. m.

Council re-assembled at 2 p. m.

The president in the chair.

Roli called—quorum present.

On motion of Middleton Mr. Collins was granted leave of absence for this afternoon.

#### MOTIONS AND RESOLUTIONS.

On motion of Thompson of Deer Lodge, the vote by which council journal resolution No. 5, providing for the printing of 1,000 copies of the governor's message was passed, was reconsidered and made the special order for Monday at 2 p. m.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 18, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notice of a bill was given by Congdon in the house this morning, to-wit:

I hereby give notice that I will on Saturday, Jan. 19th, or some subsequent day, introduce a bill for an act providing for the better protection of game and fish, and for creating the office of game and fish warden.

Yours respectfully,

BENJ. WEBSTER, Chief Clerk.

On motion of Middleton, council took a recess until 3 p. m.

Council re-assembled at 3 p. m.

President in the chair.

Roll called—no quorum present.

The sergeant-at-arms was instructed to call in absent members. Quorum present.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 18, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that council joint resolution No. 2 was read first and second times and laid upon the table, instead of council joint resolution No. 1 as stated in previous message. Also to return to your honorable body council joint resolution No. 1, providing for payment of printing, postage, etc., not provided for by the general government, with house substitute therefor, which passed the house.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

On motion of Middleton, the house substitute for council joint resolution No. 1, just reported in message, was adopted, read first and second times, rules suspended, read third time and passed with the following vote.

Ayes—Messrs. Brown, Bickford, Conrad, Hatch, Middleton, Olds, Thompson of Silver Bow, Thompson of Deer Lodge, Mr. President—9.

Nays—none.

Pursuant to rule, the president announced that he was about to sign house joint resolution No. 1 as passed by both houses.

On motion of Middleton, the council adjourned until Monday, January 21, 1889, at 10 o'clock a. m.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

## EIGHTH DAY—MONDAY.

COUNCIL CHAMBER,  
Helena, Montana, January 21, 1889.

Council met at 10 a. m. pursuant to adjournment.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of Friday read, amended and approved.

## NOTICES OF INTRODUCTION OF BILLS.

By Kennedy—*Mr. President*: I hereby give notice that I will on tomorrow, or some subsequent day, ask leave to introduce a bill defining the duties of county attorney in certain cases.

By Conrad—*Mr. President*: I hereby give notice that I will on tomorrow, or some future day, introduce a bill for the payment of bounties for killing certain stock-destroying animals.

By Middleton—*Mr. President*: I hereby give notice that I will on tomorrow, or some future day, introduce a bill providing for laborer's lien on materials on which they work.

Also, a bill relating to chattel mortgages, and a bill for the repeal of the Merchants' License Law.

Mr. Middleton in the chair.

Bills were introduced as follows:

By Brown—Council bill No. 2, an act to amend section 1973, fifth division, of the compiled statutes of Montana, relating to the duty of assessors to collect statistics.

Read first and second times and referred to committee on printing.

Mr. President in the chair.

## INTRODUCTION OF BILLS.

By Bickford—Council bill No. 3, an act to amend section 754 of the code of civil procedure, compiled statutes of Montana, relating to attachments in justices' courts.



Read first and second times and referred to committee on printing.

By Bickford—Council bill No. 4, a bill to amend chapter 9 of the fifth division, general laws of Montana, to allow women to be admitted to practice as attorneys-at-law.

Read first and second times and referred to committee on printing.

On motion of Kennedy, at 10:40 a. m. council took a recess until 2 p. m.

2 O'CLOCK P. M.

Council resumed.

President in the chair.

Roll called—quorum present.

The hour having arrived for consideration of special order, council joint resolution No. 5, providing for the printing of 1,000 copies of the governor's message, was taken up.

Thompson of Deer Lodge moved that the resolution be indefinitely postponed.

Pending consideration of the motion Mr. Hatch took the chair.

Mr. President resumed the chair.

Roll called.

The motion was lost by the following vote:

Ayes—Messrs. Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Mr. President—6.

Nays—Messrs. Bickford, Conrad, Collins, Hoffman, Middleton, Thompson of Silver Bow—6.

Thompson of Silver Bow, moved that the resolution be laid on the table.

Middleton moved as amendment to make it the special order on Friday, February 12, at 10 a. m.

Thompson arose to a point of order, that motion to lay on the table is not amendable.

The president decided the point of order well taken.

The motion to lay on the table was carried by the following vote:

Ayes—Messrs. Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—7.

Nays—Bickford, Conrad, Collins, Hoffman, Middleton—5.

Notices of introduction of bills were given as follows:

By Brown—A bill providing for the permanent fixing and determining the point in the middle fork of Stony Creek, where Deer Lodge and Silver Bow counties corner, and from thence to the point where Missoula and Beaverhead counties corner on the Rocky Mountains and the line dividing the counties of Silver Bow and Beaverhead from the corner on said summit to the nearest water draining into the Big Hole river.

By Hoffman—A bill in regard to the building of free bridges.

President announced the appointment of R. L. Davis, A. P. Brown, J. L. Jensen and E. S. Walker as assistant clerks of the council, in conformity to the joint resolution authorizing the same.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 21, 1889.

*Mr. President:* I am instructed to inform your honorable body that the following notice of a bill was announced:

By Moore—A bill entitled "An act to restrict the sale of opium, morphine, cocaine and other poisons."

That without previous notice house bill No. 1, by Haskell, was introduced, entitled "A bill for an act to add an additional section to an act to provide for the levy of taxes and assessments of property," approved Sept. 14th, 1887, and ordered printed.

That council joint memorial No. 4 protesting against the admission of Utah to statehood was on recommendation of select committee indefinitely postponed.

BENJAMIN WEBSTER, Chief Clerk.

On motion of Brown, at 2:45 p. m. council adjourned until tomorrow at 10 o'clock a. m. CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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## NINTH DAY—TUESDAY.

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COUNCIL CHAMBER,  
Helena, Montana, January 22, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and the following members answered to their names:

Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Prayer by the chaplain.

Journal of yesterday was read and approved.

Collins, chairman of printing committee, made a verbal report in regard to joint rules and rules of the council.

#### REPORT OF STANDING COMMITTEE.

By Thompson of Silver Bow—*Mr. President*: Your joint committee on enrollment, to whom was referred council joint resolution No. 1, beg to report that we have examined the same and report it correctly enrolled.

#### A BILL.

Kennedy gave notice of introduction of amending chapter 101 of the fifth division of the compiled laws of Montana, concerning roads and highways.

#### INTRODUCTION OF BILLS.

Kennedy introduced council bill No. 5, "a bill for an act defining the duties of county attorneys in divorce cases."

Read first and second times and referred to committee on printing.

The following message from the house was received:

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 21, 1889.

*Mr. President*: I am instructed by the house to inform your honorable body that the following notices of bills were announced:

By Pickman—A bill entitled "An act to regulate the practice of medicine and surgery in the territory of Montana, and to license physicians and surgeons, and punish persons violating the provisions of this act."

By Rea—A bill to provide for the payment of bounty for the killing of certain animals.

By Haskell—A bill entitled, 1. An act to provide for the transfer of certain moneys into the general fund. 2. To amend section 1528 of the fifth division of general laws. 3. To create a territorial board of equalization, prescribe their duties as well as certain county officers.

A bill was introduced by Hunt—House bill No. 2, an act to prohibit certain gambling games and fixing the penalty for violation thereof.

Ordered printed.

I have the honor to return to your honorable body council joint memorial No. 3, with substitute as adopted by the house.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Council joint memorial No. 3 was read and on motion of Middleton ordered to be returned to the house for further action, for the reason that its history does not show that the memorial was finally passed by the house.

The following message from the governor was received.

TERRITORY OF MONTANA, {  
EXECUTIVE OFFICE, { ss.

Helena, Montana, January 18, 1889.

*Gentlemen of the Legislative Council:*

I herewith transmit for your use and consideration, the report of the school text book commission for the territory of Montana.

Very Respectfully,

PRESTON H. LESLIE.

#### REPORT OF TEXT-BOOK COMMISSION.

Helena, Montana, January 17, 1889.

*To His Excellency Preston H. Leslie, Governor of Montana:*

SIR: We, the undersigned, members of the text-book commission, hereby submit through you to the honorable legislative council and house the report of the text-book commission, as required in sections 1938, 1939, 1940, of school law of Montana.

Respectfully submitted by

A. C. LOGAN,  
R. H. HOWEY,  
J. H. MYERS,  
Committee.

Helena, Montana, January 2d, 3d and 4th, 1889.

*To the Honorable Members of the Council and House of Representatives of the Territory of Montana:*

We, the undersigned, members of the text-book commission, in conformity to sections 1938, 1939 and 1940, beg leave to submit the following report:



That we having carefully examined the text books now in use, viz.: Bancroft's series of school readers, Harper's "Introductory" and school geographies, Swinton's "Language Primer" and "Language Lessons," Robinson's "First Book in Arithmetic" and "Complete Arithmetic," "Barnes' Brief History of the United States," Swinton's "Word Book" and the "Spencerian Copy Book," do hereby recommend change in the readers, grammars, geographies, arithmetics and word book.

In lieu of these books, we would recommend the following, to wit:

*McGuffey's Revised Readers*—I. These readers are essentially reading books, "Learning to Read" in the lower grades and "Reading to Learn" in the higher grades of this series stand out in bold relief.

2. In the lower grades there is abundance of distinct script of practical value.

3. In the lower grades the gradation is so perfect and the style so conversational that natural purity of tones, correct emphasis, inflections and expression can be accomplished within the intervention of formal drills.

4. The vocabulary of each reader of this series is practically adapted to the grade for which it is intended.

5. Judicious attention has been given to all the elementary sounds to diacritical marks and definitions.

6. The moral tone of these readers is exceptionally good, and beyond criticism.

7. In the fifth grade are found poems of singular merit, instructive essays, scientific and biographical sketches from authors of classic literature. This book has no superior as a reader.

8. The illustrations, like the subject matter are graded to suit the capacity of classes. They not only elucidate the text, but expand the mind, cultivate the judgment and develop a taste for the fine arts.

9. The mechanical excellence is superior, and we find upon examination and comparison that these readers are the cheapest in the market.

*Short Studies in English, Number Two*—I. This book has clothed the abstract technicalities of language in such beautiful garments that children of the primary grades will master unconsciously some of these abstractions.

2. In this book grammar has been the handmaid of expression.

3. The frequent recurrence of its language lessons will keep the mind, eyes and hands of the little learner busy.

4. Each language lesson develops the principles of grammar learned in the previous sections.

5. The method used is normal.

*Green's Elementary Grammar*—I. This book, fresh from the press, is one of solid merit.

2. Sharp transitions, in teaching the "five logical elements," are scrupulously avoided.

3. The method used is essentially inductive, and the fragmentary truths are collected by systematic questioning into clear and compact definitions.

4. The boundary lines between analysis and parsing so often confused are marked out clear and distinct.

5. The book is concluded with admirable chapters on construction and composition, which will cultivate the faculty of graceful expression and eliminate many common errors from the pupil's writings and conversation.

6. By concise and lucid explanations the difficulties of the science are made even attractive to young pupils.

7. The system of picturing by diagrams, the relation of words, phrases and clauses in the sentence is unique.

*Shoup's Graded Speller*—I. The punctuation and use of words are taught in connection with their orthography.

2. Scholastic rubbish and the unusual words of the "Old Time Speller" are left out.

3. The sections of this speller are graded to the normal growth of the child's vocabulary.

4. The classifications according to the principles of association, comparison and contrast is not ignored.

5. Illustrative sentences and dictation exercises are numerous.

6. The grades of the Readers have a perfect counterpart in the Speller.

7. The proper pronunciation of the words is indicated by the use of diacritical marks.

*Fish's Arithmetic, Number One*—I. In accordance with the law of development and growth of the young mind, the "object" method is freely used in the pages of this elementary Arithmetic.

2. Oral and written exercises are combined throughout the book.

3. In the beginning the pupil is taught to make figures and illustrate small numbers.

4. Addition and subtraction, multiplication and division are represented as converse operations.

5. In the treatment of each subject a model solution is given with a concise and lucid explanation.

6. Concrete examples are numerous.

*Fish's Arithmetic, Number Two*—1. Number Two contains a thorough review of the abstract and applied examples of Number One, and follows logically in the wake of the latter.

2. Obsolete terms, arithmetical puzzles and paradoxes are excluded from this book.

3. The pupils by inductive exercises, is led from a few appropriate samples to deduce for himself general principles upon which solutions depend.

4. The "Inductive" method obtains throughout this book, and enables the pupil to frame formulas and construct in his own language, necessary rules.

5. The arrangements of subjects is systematic, and explanations, rules and definitions, are brief, clear and comprehensive.

6. Topics which belong exclusively to the higher departments of the science and are of minor importance to grammar schools have been placed in an "addenda" and may be taken up at the option of teachers or principals.

7. Questions for review are formulated at the close of each principal subject.

*Barnes' Elementary Geography*—1. The salient points of mathematical, physical and political geography are peculiarly adapted to the apprehension of young children.

2. Map questions are simple, and questions requiring descriptive answers are appropriate.

3. By avoiding useless repetitions much profitable new matter has been invested without increasing the size of the book.

4. Special attention has been given to the leading characteristics of countries.

5. The old plan of long memoriter exercises is discarded. The geography is an entertaining history in lieu of dry statements to be committed verbatim.

6. The work of the printer and binder, as shown in this book, is unequalled.

7. The illustrations are abundant well chosen, accurate and artistic.

8. The maps are well executed, showing the shape of each country with nicety, and omitting such minor terms as impair the practical requirements of the study.

*Barnes' Complete Geography*—1. The last five statements with respect to the "Elementary" are equally applicable to the "Complete Geography."

2. The system of map drawing used in this series has been taught with satisfactory results.

3. The most recent knowledge of the depth, temperature and contents of the sea, and of all the influences affecting climate, has been incorporated in this book.

4. The aim is to give permanent knowledge rather than burden the memory. The book is progressive, and the topics are well arranged.

*Young People's Physiology, (New Pathfinder, Number two)*—

1. The binding, paper and type are excellent.

2. The book is well illustrated and is written in an easy and attractive style.

3. It is conservative and free from the errors found in other works on the subject.

4. It confirms strictly to the requirements of the law, both in letter and spirit.

5. Its incisive treatment of the effects of alcohol and narcotics on the human system is without extravagant sentiment, and harmonizes with the teachings of science and the highest authorities of the medical profession.

*Steele's Hygienic Physiology*—1. The meritorious points of the "Young People's Physiology" obtain also in this book.

2. The transition from one of these books to the other is easy, and the two books form an admirable series for the public schools.



Terms upon which books recommended may be obtained:

*A. S. Barnes & Co.'s Publications—*

	Wholesale.	Retail.	Int.	Ex.
Barnes' Elem. Geography.....	\$0.60	\$0.75	\$0.35	\$0.25
Barnes' Complete Geography.....	1.25	1.30	.80	.60
Barnes' Brief History.....	1.00	1.20	.80	.00
Physiology, Young People's.....	.56	.60	.50	.30
Steele's Hygiene Physiology.....	1.00	1.20	1.00	.65
Short Studies in English, No. Two..	.40	.45	.40	.25

With  $16\frac{2}{3}$  per cent discount on wholesale prices.

*Iverson, Blakely, Taylor & Co.'s Publications—*

	Wholesale.	Retail.	Int.	Ex.
Fish's Number One Arithmetic....	\$0.30	\$0.35	\$0.30	\$0.15
Fish's Number Two Arithmetic....	.60	.70	.60	.34
Spencerian Copy Books.....	.08	.10	.08	.00

Discount of  $16\frac{2}{3}$  per cent on above wholesale prices.

*D. D. Merrill & Co.'s Publication—*

	Wholesale.	Retail.	Int.	Ex.
Sharp's Speller.....	\$0.20	\$0.20	\$0.15	\$0.13

Discount of 20 per cent on wholesale prices.

*Van Antwerp, Bragg & Co.'s Publication—*

	Wholesale.	Retail.	Int.	Ex.
McGuffey's Revised First Reader..	\$0.17	\$0.20	\$0.17	\$0.10
McGuffey's Rev. Second Reader..	.30	.35	.30	.18
McGuffey's Revised Third Reader..	.42	.50	.42	.25
McGuffey's Rev. Fourth Reader...	.50	.60	.50	.30
McGuffey's Revised Fifth Reader..	.72	.85	.72	.45
Harvey's Rev. English Grammar...	.65	.80	.65	.40

A discount of  $16\frac{2}{3}$  per cent will be given on all wholesale prices in New York and Chicago.

*Lovell & Co.'s Publication—*

	Wholesale.	Retail.	Int.	Ex.
Inductive Language and Elementary Grammar.....	\$0.45	\$0.54	\$0.45	\$0.25

A discount of 10 per cent from wholesale price to dealers.

ADDENDA.

Inasmuch as in some rural districts, and in all the city schools, advanced grammar, civil government, drawing and book-keeping are taught, in addition to the branches required by law, your commission, having examined several meritorious works on each of these subjects, beg leave to recommend to the teachers and principals of this territory the following, to wit: Civics for Young People, and Graphic Drawing System, published by

Lovell & Co.; Harvey's English Grammar and Electic Book-keeping, published by Van Antwerp, Bragg & Co.

The following message from the governor was received:

EXECUTIVE OFFICE,  
Helena, Montana, January 21, 1889.

*To the Hon. Charles K. Cole, President of the Council and Hon. Lee Mantle, Speaker of the House of Representatives:*

I have the honor to present through you to the legislative assembly of Montana, the annual report of the superintendent of public instruction for the years 1887 and and 1888.

Respectfully,

P. H. LESLIE.

Very respectfully submitted,

A. C. LOGAN, Chairman.  
J. H. MEYERS, Secretary.  
R. H. HOWEY.

The report of the school text-book commission was referred to the committee on education and labor.

The following message from the governor was received:

EXECUTIVE OFFICE,  
Helena, Montana, January 18, 1889.

*Hon. C. K. Cole, President of the Council, and Hon. Lee Mantle, Speaker of the House of Representatives:*

I have the honor to present through you to the legislative assembly the third official report of the territorial board of stock commissioners for Montana, embodying the work of the board for the year 1888, including the report of the territorial veterinary surgeon and his deputies, as required by law. And to this report is added an appendix, the report of the territorial recorder of brands and marks.

Respectfully,

PRESTON H. LESLIE.

Report of the territorial board of stock commissioners for the year 1888, was read and referred to the committee on grazing and stock raising.

Report of the territorial veterinarian, for the year of 1888 was read and referred to the committee on grazing and stock raising.

Report of the recorder of brands and marks, for the year of 1888, was read and referred to the committee on grazing and stock raising.

Report of the superintendent of public instruction for the year of 1888, was read and referred to committee on education and labor.

Mr. President announced the signing of council joint resolution No. 1.

On request of Middleton the history of the resolution in the house was read.

The resolution was then signed by Mr. President.

At 11:15 a. m council took a recess until 2 o'clock p. m.

2 O'CLOCK P. M.

Council resumed.

President in the chair.

Roll called—quorum present.

#### REPORTS OF COMMITTEES.

By Kennedy—*Mr. President*: Your joint committee on enrollment beg leave to report that council joint resolution No. 1, approximating \$1,000 from the territorial treasury for stationery and printing, was handed to the governor for his consideration at 11:30 a. m., January 22, 1889.

By Collins—*Mr. President*: Your committee on printing beg leave to report that we have examined the printed rules and joint rules of the council and find the same correct except that in council rule No. 36, page 8, line No. 1, the word "council" should be substituted for the word "house," and that in council rule No. 46, page 10, in the fourth line said rule, the word "council" should be substituted for "house."

In the joint rules of council and house we find that No's. 8 and 15 are practically duplications and would recommend that rule No. 8 be stricken out.

On motion of Kennedy the report was adopted.

Collins also reported as follows:

*Mr. President*: Your committee on printing beg leave to report that they have examined council bill No. 7, and find the same correctly printed.

On motion of Kennedy council bill No. 7 was referred to committee on territorial affairs.

By Bickford—*Mr. President*: The committee on federal relations beg leave to report, that a memorial should be prepared

presenting in full the claims of Montana territory for admission into the Union, which said memorial should be presented to congress.

That your committee will prepare and present such a memorial at some future day without further notice, for action by the council.

#### NOTICES OF INTRODUCTION OF BILLS.

By Thompson of Deer Lodge—A bill to establish a territorial<sup>1</sup> board of examiners to regulate the practice of medicine in the territory of Montana.

#### INTRODUCTION OF BILLS.

By Brown—Council bill No. 6, "A bill for an act to permanently fix and determine certain boundary lines and corners between Deer Lodge, Missoula, Silver Bow and Beaverhead counties, and to provide for the appointment of a commission thereof."

Read first and second times and referred to a special committee consisting of the number from each of the counties named in the bill.

By Hoffman—Council bill No. 7, a bill for an act to authorize counties to build free bridges.

Read first and second times and referred to committee on printing.

By Kennedy—Council bill No. 8, bill for an act to provide for printing and distributing ballots at the public expense, and to regulate voting at territorial and other elections.

Read first and second times, and referred to committee on printing.

The following messages from the governor were received:

EXECUTIVE OFFICE,  
Helena, Montana, January 22, 1889.

*Gentlemen of the Council:*

I have the honor to inform you that on this day I have approved and signed council joint resolution providing for the payment of printing, newspapers, stationery, stamps, etc., not provided for by the general government.

Respectfully, P. H. LESLIE.



EXECUTIVE OFFICE,  
Helena, Montana, January 22, 1889.

*Hon. C. K. Cole, President of the Council, and Hon. Lee Mantle,  
Speaker of the House:*

My attention has just been called to the statute law as found in section 270, fourth division, chapter 13 of compiled statutes of Montana, page 580, with reference to the killing of buffalo or bison within certain counties in said territory.

I am advised that there are in the Yellowstone National Park considerable numbers of this species of animal, and with the view to prevent and save from extermination, the congress of the United States heretofore made provision for their protection while on the soil of that park, and the statutes of Montana referred to have been a supporting help to the law of the United States and to those entrusted with its execution. It will be seen that the act of Montana will expire 21st of February, 1889.

The migratory character of that animal is such that at certain seasons of the year they stray abroad from their usual home grounds, and hence may be found without the pale of the United States' guardian care.

I recommend that the legislative assembly re-enact said statute of 1879, and enlarge its provisions and inhibitions so as to apply to the entire territory of Montana.

Respectfully,

P. H. LESLIE.

The latter message was referred to the committee on territorial affairs.

The following message from the house was received:

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 22, 1889.

*Mr. President:*—I am instructed to inform your honorable body that the following notices of bills were announced:

By Blakely—"A bill to change the boundary lines between Gallatin and Madison counties."

By Hunt—"A bill for an act concerning county treasurers."

By Murray—"A bill for an act providing for the establishment of a hospital for the insane."

Also, that the following bills were introduced:

By Congdon—House bill No. 3, entitled "A bill for an act providing for the better protection of game and fish, and for the creation of game and fish warden."

By Haskell—House bill No. 4, "A bill for an act to provide for the transfer of certain moneys into the general fund."

By Haskell—House bill No. 5, "A bill for an act to amend section 1528 of the fifth division of the general laws."

By Pickman—House bill No. 6, "A bill for an act to regulate the practice of medicine in the territory of Montana, and to license physicians and surgeons, and to provide punishment for the violation of the provisions of the act."

House joint resolution, No. 2 was introduced by Swiggett, providing for the printing and distributing of 500 copies of the governor's message.

I am also instructed to inform your honorable body that the speaker signed council joint resolution, No. 1.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 22, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Haskell—A bill for an act to repeal subdivision 5 of section 1 of an act relating to licenses.

By Waite—A bill to re-establish the boundary lines of Fergus county on the west, as provided in the act of the fourteenth session creating Fergus county.

I am also instructed to inform your honorable body that house substitute for council joint memorial No. 3 has passed the house and is herewith returned.

Also, to transmit to your honorable body house joint resolution No. 3, which has passed the house.

Yours respectfully,

BENJ. WEBSTER, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 22, 1889.

*Mr. President:* I am instructed to inform your honorable body that the following communication from his excellency, the governor, with report as stated was received:

EXECUTIVE OFFICE,  
Helena, Montana, January 18, 1889.

*Gentlemen of the Legislative Assembly:*

I herewith transmit for your use and consideration the report of the school text-book commission for the territory of Montana.

Very respectfully,

PRESTON H. LESLIE,

Yours respectively,

BENJAMIN WEBSTER, Chief Clerk.

House joint resolution No. 3, providing for assistant watchman and janitor for the house and council was read first and second times.

On motion of Kennedy the rules were suspended.

The resolution was read the third time and passed:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—none.

The house substitute for council joint memorial No. 3, asking congress to donate Fort Ellis military reservation to the territory of Montana for agricultural and mechanical college, was taken up.

On motion of Middleton, the substitute was adopted and passed unanimously.

On motion of Hoffman, at 3:30 p. m. the council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## TENTH DAY—WEDNESDAY.

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COUNCIL CHAMBER,  
Helena, Montana, January 23, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and the following members answered to their names:

Bickford, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President.

Prayer by the chaplain.

Journal of yesterday read and approved.

#### REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge—*Mr. President*: Your committee on elections, to whom was referred portions of the governor's message referring to "politics in state institutions" and reform in election laws," would state that they have had the subject under consideration and report as follows:

Your committee find there are no public institutions exclusively under the control of the territory of Montana, hence are unable to submit any recommendation or comment relative to "politics in state institutions."

The question of adequate and fair election laws and electoral reform is considered of great importance by your committee.

The expediency of enacting such laws as will insure a free, fair and full expression of the will of the people, embodying the experience of the older states, will doubtless commend itself to the judgment of the legislative assembly. Measures are already introduced, others are in process of introduction by members of the assembly, which, it is believed, will receive careful consideration. In view of this fact, your committee deem it unnecessary to formulate and present any measure bearing upon this subject at present.

By Collins—*Mr. President*: Your committee on printing desire to report that they have examined council bills Nos. 2 and 3, and find the same correctly printed.

On motion of Kennedy, council bill No. 2 was referred to committee on agriculture and manufactures.

Council bill No. 3 was referred to committee on judiciary.

#### NOTICES OF INTRODUCTION OF BILLS.

By Brown—A bill for an act to amend section 302, third division, of the compiled statutes of Montana territory, relating to separate trials of criminals.

By Kennedy—A bill to amend sections 1613 and 1614 of the fifth division of the compiled laws of Montana, relating to contracts for care of poor.

## INTRODUCTION OF BILLS.

By Thompson of Deer Lodge—Council bill No. 9, "A bill for an act to establish a territorial board of examiners to regulate the practice of medicine in the territory of Montana."

Read first and second times and referred to the committee on printing.

On motion of Thompson of Silver Bow, council took a recess until 2 o'clock p. m.

Council resumed at 2 p. m.

President in the chair.

Roll called—quorum present.

## REPORTS OF STANDING COMMITTEES.

By Hatch.—*Mr. President:* Your committee on territorial affairs to whom was referred the governor's message, relative to killing buffalo and bison within the territory of Montana beg leave to report that they have considered the same and will upon to-morrow or some subsequent day bring in a bill to amend section 270, fourth division, chapter 13, of compiled statutes of Montana territory, to perpetuate the law contained in said section.

By Kennedy.—*Mr. President:* Your joint committee on enrollment begs leave to report house joint resolution No. 3 correctly enrolled.

## REPORTS OF SELECT COMMITTEE.

By Bickford.—*Mr. President:* Your special committee consisting of the members from the counties of Beaverhead, Silver Bow, Deer Lodge and Missoula, to whom was referred council bill No. 6, entitled "An act to permanently fix and determine certain boundary lines and corners between Deer Lodge, Missoula, Silver Bow and Beaverhead counties, and to provide for the appointment of commissions thereof, have had the same under consideration and recommend the passage of the same, with the following amendments, to wit: That the title of the act be changed so as to read, "An act to permanently fix and determine certain boundary lines and corners between Deer Lodge, Missoula, Silver Bow and Beaverhead counties, and to provide for the appointment of commissioners to determine the same," and also that the words "and from thence down said water to the said Big Hole River," in section 4 of said act, be inserted after the words "Big Hole River."

On motion of Middleton. the report was adopted.



## INTRODUCTION OF BILLS.

By Brown, by leave—Council bill No. 10, a bill for an act to amend section 302, third division, of the compiled statutes of Montana, relating to separate trials of prisoners.

Read first and second times and referred to committee on printing.

## MOTIONS AND RESOLUTIONS.

By Kennedy—Council concurrent resolution No. 6, providing for a joint committee of the two branches of the legislative assembly to examine the books and accounts of the territorial auditor and treasurer, which was read and on motion of Kennedy adopted.

On motion of Kennedy council bill No. 6 was placed on general orders.

Mr. President announced the signing of council joint resolution No. 3.

Mr. President appointed Kennedy, Conrad and Hatch as members on the part of the council of the joint committee to examine the books and accounts of the territorial auditor and treasurer as provided for by council concurrent resolution No. 6.

The following message from the house was received:

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 23, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notice of bill was given:

By Moore—A bill entitled "An act to provide for the registration of the names of electors and to prevent frauds at elections."

Also, that house bill was introduced by Haskell and ordered printed, entitled "A bill for an act to amend an act entitled An act concerning licenses," approved September 14, 1887.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

## GENERAL ORDERS.

The council resolved into committee of the whole for the consideration of council bill No. 6, Thompson of Silver Bow in the chair.

Council resumed.

Mr. President in the chair.

The chairman of the committee of the whole was granted further time to report.

The following message from the house was received:

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 22, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notice of bill was given.

By Davis—A bill for the relief of A. C. Logan, R. H. Howey and J. H. Meyers, board of school text-book commissions.

Also, that house joint resolution No. 2 has passed the house and is herewith transmitted.

Also, that the speaker has signed house joint resolution No. 3.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

House joint resolution No. 2 was taken up.

Read first and second times.

On motion of Middleton, the rules were suspended by the following vote:

Ayes—Messrs. Brown Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds and Thompson of Silver Bow.—10.

Noes—Thompson of Deer Lodge and Mr. President—2.

The resolution was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy Middleton, Olds and Thompson of Silver Bow.—10.

Noes—Thompson, of Deer Lodge and Mr. President—2.

REPORT OF COMMITTEE OF THE WHOLE.

By Thompson of Silver Bow—*Mr. President:* Your committee of the whole having had under consideration council bill No. 6, have amended the same by inserting the words "or within twenty days thereafter" after the word "day" in line 4 of section 3, and recommend the passage of the bill as amended.

On motion of Kennedy the report and amendment were adopted.

On motion of Kennedy at 3:15 p. m. the council adjourned until to-morrow.

CHARLES K. COLE, President.  
JOHN R. EARDLEY, Chief Clerk.

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## ELEVENTH DAY—THURSDAY.

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COUNCIL CHAMBER,  
Helena, Montana, January 24, 1889.

Council met at 10:06 o'clock a. m.

Mr. President in the chair.

Roll called, and the following members answered to their names:

Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President.

### REPORTS OF STANDING COMMITTEES.

By Hatch—*Mr. President*: Your committee on territorial affairs, to whom was referred council bill No. 1, to establish a territorial board of inspection for steam boilers, and for the examination and licensing of stationary engineers, beg leave to report:

That after having made a careful examination of the same, they found many amendments to the several sections of the bill, and herewith transmit the amendments.

Your committee would respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Amendments to section 1 (printed bill)—Line 1, insert after the word "governor" the words "by and with the advice and consent of the legislative council." Line 5, strike out the words "one, two and three" and insert in lieu thereof the words "two, four and six." Line 6, strike out the word "three" and insert in lieu thereof the word "six." Lines 8 and 9, strike out the words "by writing endorsed thereon" and insert in lieu thereof the words "which approved shall be endorsed upon the bond." Line 12, strike out the word "secretary" and insert in lieu thereof the word "auditor."

Amendments to section 5—Line 7, strike out the word “therefrom” and insert in lieu thereof, the words “from such defect.”

Amendments to section 7—Line 2, strike out all after the word “acts” down to the word “who” in line 3. Line 6, strike out the word “machinery” and insert in lieu thereof the word “engine.” Line 20, strike out the words “and habits of life are” and insert in lieu thereof the word “is.” Line 32, strike out the word “inspector” and insert in lieu thereof the words “inspectors to make a thorough examination of the charge and.”

Amendments to section 8—Line 3, after the word “inspector” add the words, “and report such action to the board.”

Amendments to section 9—Line 7, add the words “said fee payable upon the delivery of the license.” Line 9, after the word “herein,” add the words “in the class for which he was examined.”

Amendments to section 10—Line 1, after the word “locomotives,” insert the words “traction engines and all engines and boilers mounted on wheels, also all boilers used for heating purposes.”

Amendments to section 11—Strike out all after the words “territorial treasurer, and insert the words “first day of each month.”

Amendments to section 12—Add to the section the following: “They shall also receive their actual and necessary travelling expenses when in the performance of their duties, and the actual cost of office rent and stationery. These payments shall be made from the funds in the territorial treasury, upon vouchers signed and sworn to by them, and submitted to the territorial auditor, who shall draw warrants upon the territorial treasurer for the amounts found correct, separate vouchers being made for salary and expenses. All bills must be audited and signed as correct by all three members of the board before being paid.

Amendment to section 13—Line 3, after the word “locomotives” insert the words “and other engines and boilers exempted in section 10 of this act.”

On motion of Kennedy, council bill No. 1 with report of committee passed to general laws.

By Kennedy—*Mr. President*: Your joint enrollment committee begs leave to report that council joint memorial No. 3, concerning the Fort Ellis military reservation, has been correctly enrolled.

By Kennedy—*Mr. President*: Your committee on internal improvements, to which was referred those parts of the gov-

ernor's message relating to the erection of a penitentiary and an insane asylum, begs leave to report that the recommendations of the governor have received careful consideration, but that the committee deem it unwise and injudicious at the present time to urge the adoption of said recommendations. While the financial condition of the territorial treasury is excellent, we cannot overlook the fact that the counties of the territory are indebted to the extent of one and a half million dollars, an increase during the past year of \$137,000; that the direct tax upon the property in the territory is very heavy, probably averaging, with municipal and special school taxes,  $2\frac{1}{2}$  per cent annually. The indirect tax in the way of licenses, etc., is also heavy. Your committee believes that if the territory has more money than it can use, the best plan at the present time would be to decrease the tax levy for territorial purposes and reduce the license required for conducting business, or at least reduce the proportion of such licenses taken by the secretary, so that the several counties in the territory may thereby have their revenues increased and be thus enabled to reduce their bonded or floating indebtedness.

Your committee also deems it injudicious to begin the construction of territorial institutions at this time, because it seems likely that within the year the territory may be called upon to make the experiment of statehood, a political condition which will certainly be more expensive than a territorial government, but under which the general revenues may not be correspondingly increased. The delay of a year will at the most not entail any very serious loss upon the territory, and the situation warrants great caution in these matters.

Your committee is now inclined to take this view of the proposed improvements from the unquestioned fact that under the prevailing system for the care of the insane and of prisoners both classes are well cared for, the interests of the classes and of the people are well protected, there is no complaint from any source, while the institutions would be quickly discovered, and it is a matter of considerable doubt whether the expense would not be as heavy under the territorial system as at present, over and beyond the heavy outlay which would be necessary to establish the proposed institutions.

Report placed on file.

By Collins—*Mr. President*: Your committee on printing desire to report that they have examined council bill No. 4, an act to allow women to be admitted to practice as attorneys-at-law, and find the same correctly printed.

Council bill No. 4 was referred to committee on judiciary.



## MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,  
Helena, Montana, January 24, 1889.

*Gentlemen of the Legislative Council:*

On the 31st day of December, 1887, I appointed and commissioned Hon. William E. Cullen attorney-general for the territory of Montana to serve for the time and until the last of this regular session of the legislative assembly. He accepted the commission, was regularly qualified, and has been from then till now serving and executing the duties of that office. I now nominate him to that office for your approval, advice and consent.

I have the honor to be. your obedient servant,

PRESTON H. LESLIE.

Immediate consideration deferred for the present.

## NOTICES OF INTRODUCTION OF BILLS.

By Brown—A bill for an act to amend sections 1236, 1237 and 1238, fifth division of the compiled statutes of Montana territory, relating to the legal rate of interest.

## INTRODUCTION OF BILLS.

By Middleton—Council bill No. 11, a bill for an act 64, fifth division of the compiled statutes of Montana, relating to county attorneys.

Read first and second times and referred to committee on printing.

Also, council bill No. 12, "an act to amend section 1297, of the fifth division of the compiled statutes of Montana, relating to drawing jurors."

Read first and second times and referred to committee on printing.

## GENERAL ORDERS.

The committee resolved itself into committee of the whole to consider council bill No. 1.

Mr. Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Committee of the whole reported as follows:

*Mr. President*:—I am instructed by the committee of the whole to report that council bill No. 1 has been under consideration by the committee and ask leave to sit again.

OLDS, Chairman.

Thompson of Deer Lodge moved to take a recess until 2 o'clock, p. m.

Kennedy moved to adjourn, upon which the roll was called with the following result:

Ayes—Brown, Bickford, Conrad, Collins, Hatch, Kennedy, Olds—7.

Noes—Hoffman, Middleton, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—5.

At 12 m., the council adjourned until 10 a. m. to-morrow.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

## TWELFTH DAY—FRIDAY.

COUNCIL CHAMBER,

Helena, Montana, January 25, 1889.

Council met at 10 o'clock a. m.

The president in the chair.

Roll called, and the following members answered to their names:

Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Prayer by the chaplain.

Journal of yesterday read and approved.

### REPORTS OF STANDING COMMITTEES.

By Kennedy—*Mr. President*: Your committee on enrollment beg leave to report that house joint resolution No. 2, providing for printing 500 copies of the governor's message, has been correctly enrolled.

By Brown—*Mr. President*: Your judiciary committee, to whom was referred council bill No. 3, the same being for an act to amend section 754 of the code of civil procedure, relating to

attachments in justices' court, beg leave to report that they have examined the same and recommend its adoption with the following amendments:

That the "such" in the first line of the second page be stricken out and the words "the complaint in" be inserted in lieu thereof. And further, that the word "of" in the last line on the second page be stricken out and the word "from" be inserted in lieu thereof.

On motion of Kennedy, the amendments were adopted and the bill placed on general orders.

By Collins—*Mr. President*: Your committee on printing desires to report that we have examined council bill No. 5, "A bill for an act defining the duties of county attorneys in divorce cases."

Also council bill No. 8, relating to the printing and distribution of ballots at the public expense and to regulate voting at territorial elections, and find the same correctly printed.

Council bill No. 5 was referred to committee on judiciary.

Council bill No. 8 was referred to committee on elections.

By Brown—*Mr. President*: Your committee on agriculture and manufacturers, to whom was referred council bill No. 2, the same being for an act to amend section 1973, fifth division of the compiled statutes of Montana, relating to the duty of Assessor's to collect statistics, beg leave to report the same back without amendment and recommend the same for adoption.

On motion of Kennedy, council bill No. 2 was passed to general orders.

By Thompson of Deer Lodge—*Mr. President*: Your committee on engrossment would respectfully report that they have examined council bill No. 6, entitled "An act to permanently fix and determine certain boundary lines and corners between Deer Lodge, Missoula, Silver Bow and Beaverhead counties, and to provide for the appointment of commissions thereof," and find the same correctly engrossed.

Council bill No. 6 passed to third reading.

Mr. President announced the signing of house joint resolution No. 2 and council joint memorial No. 3.

#### NOTICES OF INTRODUCTION OF BILLS.

By Kennedy—A bill to amend sections 1993 and 1995 of the fifth division of the compiled statutes of Montana, relating to law reports.

By Collins—A bill regulating publishing and printing.

INTRODUCTION OF BILLS.

By Brown—Council bill No. 13, a bill for an act to amend sections 1236, 1237 and 1238, fifth division of the compiled statutes of Montana, relating to the legal rate of interest.

Referred first and second times and referred to the committee on printing.

By Collins—Council bill No. 14, a bill for an act to provide for the appointment and to prescribe the duties of a public examiner.

Read first and second times and referred to committee on printing.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 25, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Carver—A bill to amend an act entitled "An act to suppress and prevent dissemination of scab and infectious diseases among sheep," and to create the office of county scab inspector.

By Hunt—A bill for an act to protect the owners of bottles, boxes and siphons used in the sale of mineral waters.

By Comfort—A bill for an act to amend section 1143 and strike out a portion of section 1152, of chapter 67, of compiled statutes of Montana.

Also to inform you that the following bill was introduced by Rea:

House bill No. 8, an act to provide for the payment of bounties for the killing of certain stock-destroying animals. Ordered printed.

I have also the honor to return council concurrent resolution No. 6, which was adopted by the house, and to inform you that Messrs. Davis, Moore and Saxton were appointed as house members of joint committee.

A communication from his excellency the governor announced that he has signed house joint resolution No. 3.

A petition of 87 names was received from residents of Custer county asking for a bounty law on stock-destroying animals.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

Mr. President announced the appointment of Miss Fannie Vandervoort as assistant clerk.

### THIRD READING OF COUNCIL BILLS.

Council bill No. 6 was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hatch, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—none.

### GENERAL ORDERS.

The council resolved itself into committee of the whole to consider general orders.

The committee arose. Council resumed.

Mr. President in the chair.

Olds, chairman of the committee of the whole, reported as follows:

*Mr. President:* I am instructed by the committee of the whole to report back council bill No. 1 with the recommendation that it be referred to a special committee, of which Mr. Thompson of Silver Bow shall be chairman.

Your committee having under consideration council bill No. 2 ask leave to sit again.

On motion of Middleton, the report was adopted.

Mr. President appointed as such special committee Thompson of Silver Bow, Thompson of Deer Lodge and Middleton, to whom council bill No. 1 was referred.

On motion of Kennedy, at 12 o'clock m. council took a recess until 2 o'clock p. m.

Council resumed at 2 o'clock p. m.

President in the chair.

Roll called—quorum present.

### NOTICE OF INTRODUCTION OF BILL.

By Olds—Council joint memorial in relation to the alien land act.



## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 28, 1889.

*Mr. President:* I am instructed to transmit to your honorable body house bill No. 2, which has passed the house by the following vote: Ayes 22, noes 0. Also to inform you that the following bill was introduced by Comfort:

House bill No. 9, an act to amend section 1143 and to strike out a portion of section 1152, of chapter 57 of the fifth division of the compiled statutes of Montana.

Ordered printed.

Yours respectively,  
BENJAMIN WEBSTER, Chief Clerk.

House bill No. 2 was read first and second times.

Kennedy moved that the bill be referred to the committee on education and labor.

On which Thompson of Deer Lodge called for a division.

Motion lost.

Hatch moved that the bill be referred to the committee on ways and means.

Motion lost.

The bill was referred to committee on judiciary.

## GENERAL ORDERS.

The council resolved itself into committee of the whole for the consideration of general orders.

Kennedy in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

The following report of committee was made.

*Mr. President:* Your committee of the whole has had under consideration council bill No. 3, "An act to amend section 754 of the code of civil procedure, compiled statutes of Montana," and beg leave to report it back amended by the substitution of the word "bond" for the word "bail" in the seventeenth line of the first section.

KENNEDY, chairman.

On motion of Kennedy the amendment was adopted and the bill ordered engrossed.

On motion of Kennedy, the council went into executive session.

Council resumed.

Mr. President in the chair.

Kennedy moved to adjourn until Monday at 2 o'clock p. m. on which the roll was called with the following result:

Ayes—Messrs. Brown, Bickford, Collins, Hoffman, Kennedy, Olds, Thompson of Silver Bow—7.

Noes—Messrs. Conrad, Hatch, Middleton, Thompson of Deer Lodge, Mr. President—5.

At 3:30 p. m. the council adjourned until Monday next at 2 o'clock p. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

## FIFTEENTH DAY—MONDAY.

COUNCIL CHAMBER,  
Helena, Montana, January 28, 1889.

Council met at 2 o'clock p. m., pursuant to adjournment.

Mr. President in the chair.

Roll called and the following members answered to their names:

Messrs. Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Mr. President—10.

Absent—Messrs. Brown, Thompson of Silver Bow—2.

Prayer by the chaplain.

The journal of Friday was read and approved.

Mr. Olds presented petition from 68 citizens of Madison county, praying for an amendment of the act defining the boundary of Madison county, so that a portion thereof may be included in Gallatin county.

Referred to committee on towns and counties.

Mr. Middleton presented remonstrance from 26 residents of Miles City against change of text books.

Referred to committee on education and labor.

#### REPORTS OF STANDING COMMITTEES.

By Collins—*Mr. President*: Your committee on printing desire to report that they have examined the following bills and find the same correctly printed:

Council bill No. 9, an act to establish a territorial board of examiners to regulate the practice of medicine.

Council bill No. 10, a bill to amend section 302, third division, compiled statutes, relating to separate trials for criminals.

Council bill No. 11, an act to amend section 845 of chapter 64, fifth division of compiled statutes relating to county attorneys.

Council bill No. 12, an act to amend section 1297, chapter 77 of the fifth division of compiled statutes, relating to drawing juries.

Council bill No. 13, an act to amend sections 1236, 1237 and 1238, fifth division of compiled statutes relating to the legal rate of interest.

Council bill No. 7 was referred to committee on towns and counties.

Council bill No. 9 was referred to committee on territorial affairs.

Council bill No. 10, council bill No. 11, council bill No. 12 and council bill No. 13 were referred to committee on judiciary.

#### NOTICES OF INTRODUCTION OF BILLS.

By Conrad—A bill to amend section 242, fourth division, criminal laws, relating to vagrants.

By Middleton—A bill to amend section 1307, of the fifth division of the compiled statutes, relating to time when acts and joint resolutions shall take effect. Also, an act to amend chapter 100 of the fifth division of compiled statutes and acts amendatory thereof, relating to the revenue laws.

By Thompson of Deer Lodge—A bill for an act to provide for the safety of passengers traveling by rail in the territory of Montana.

## INTRODUCTION OF BILLS.

By Mr. President, by leave—Council bill No. 15, a bill for an act relating to the office of police magistrate in incorporated towns and cities.

Read first and second times and referred to committee on printing.

By Olds—Council joint memorial No. 7, relative of mineral lands to aliens.

Read first and second times.

Olds moved to suspend the rules and that the memorial be considered engrossed, read third time and placed on its final passage.

Pending the motions, Bickford took the chair.

Mr. President resumed the chair.

On motion of Bickford, council joint memorial No. 7, was placed in general orders.

By Middleton—Council bill No. 16, a bill for an act to amend sections 181 and 183 of the first division, code of civil procedure, compiled statutes of Montana relating to attachments.

Read first and second times and referred to committee on printing.

## A MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,  
Helena, Montana, January 28, 1889.

*Gentlemen of the Legislative Council:*

In consequence of the numerous accidents which have occurred in the mines of the country, and by which so many men have been killed and maimed, and so much property has been lost, some of the states and territories have found it profitable to employ men skilled in mining to examine all mines and all machinery for mining and reducing the ores, with power to require all dangerous and defective works and appliances to be made safe.

It has occurred to me that a commonwealth which has so carefully provided for the protection of its citizens against contagious diseases, and for the care of the sick and the deaf, the blind and the insane, and even for the protection of our domestic animals against epidemics, diseases and destructive animals, may well provide for the protection of our many citizens who are engaged in the dangerous work of mining. This protection appears par-

ticularly necessary at the present time, when our people are preparing to work so many of our coal mines on an extensive scale, for it is well known that the most destructive accidents frequently occur in the coal mines of the world. These frightful happenings often destroy hundreds and fill their homes with sorrow and want, besides the vast amount of property lost by the explosions and fires which follow. Many of those engaged in mining are not professional miners, consequently with all their care, they are liable to neglect some precautions necessary to safety. Others are so anxious to reach profitable results, in their efforts to do the greatest possible amount of work with the least possible cost, do systematically neglect such appliances as are absolutely necessary to safety. Still others who contract to sink shafts, run tunnels and leads for a specified sum, do often neglect such precautions, and thereby render their work dangerous to themselves and to all who enter them.

Superintendents of mines are often so anxious to secure valuable results, that they are tempted, (and thus prove their skill) and prosecute their business at low cost, postponing and neglecting to observe and strengthen against danger, until the shock of death comes. Those and many other facts which your knowledge will readily supply, appear to call for some legislative action to protect those working in mines and that species of valuable industry.

Such wise and well digested legislation will not only secure safety to our own people, but will be an inducement to others to engage with us in this great work of developing our vast mineral resources. Mining is our great industry; in that department we stand at the head of the list; and it becomes us to place around those engaged in this hazardous business, the strongest bands of government care. It has been found that an inspector of mines, who is skilled in the working of all varieties of that business, and in the use of the necessary machinery, a firm and pure man, with proper limits to his power, is the best means the government can supply of securing this much-needed protection to life and property. And I recommend that you make such provision for our citizens. Moreover, in the interest of our mines and other industries, I would ask your attention to the fact that France will hold an exposition of the industries of the world at Paris to be opened in May next.

At this exposition those who rule the capital and labor of the world will be represented, to determine where the surplus capital and labor can be most profitably employed.

Many of the states have made provision to have their resources there exhibited. California has appropriated forty



thousands for this purpose, and other states and territories are moving in this direction. I believe it would be for our interest to provide liberally for the collection of mineral and the appointment of a commissioner to represent us in the Paris exposition. No money could be so expended as to produce more profitable results. Montana's great industries have thus far but small fostering care from the government, while neighboring territories and states have employed their resources in inducing people and capital to come to them, and engage with them in developing their wealth, all have scarcely invited man or capital to come to this home of wealth prosperity and riches, hence other territories and states with far less genial climates, and vastly inferior resources have filled up with people, while we with the richest and most inexhaustible resources have grown in population much more slowly.

And this is because we have not shown the world what we have in climate and resources of wealth.

Very respectfully,

PRESTON H. LESLIE.

The message was referred to committee on mines and minerals.

#### GENERAL ORDERS.

The council resolved into committee of the whole.

Mr. Collins in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Collins made the following report:

*Mr. President:* Your committee to whom was referred council joint memorial No. 7, relating to the sale of mineral lands to aliens, desire to report that they have had the same under consideration, and recommend its passage with the amendments herewith submitted.

On motion of Kennedy, the report and amendments were adopted and the memorial ordered engrossed.

Mr. President announced the appointment on Saturday, January 26, of Thomas Amos as assistant janitor.

On motion of Kennedy, at 3:30 p. m. council adjourned until to-morrow.

CHARLES K. COLE, President.

JOHN R. EARDLEY, Chief Clerk.

## SIXTEENTH DAY—TUESDAY.

COUNCIL CHAMBER,  
Helena, Montana, January 29, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called, and the following members answered to their names (all):

Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Prayer by the chaplain.

Journal of yesterday was read and approved.

## REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge—*Mr. President*: Your committee on engrossment have examined council bill No. 3, entitled "An act to amend section 754 of the code of civil procedure, compiled statutes of Montana, relative to attachments in justices' courts, and find the same correctly engrossed.

## INTRODUCTION OF BILLS.

By Middleton—Council bill No. 17, a bill for an act to amend section 1307, fifth division of compiled statutes of Montana, relating to the time when acts and joint resolutions shall take effect.

Read first and second times and referred to committee on printing.

By Thompson of Deer Lodge—Council bill No. 18, a bill for an act to provide for the safety of passengers traveling by rail in the territory of Montana.

Read first and second times and referred to committee on printing.

By Conrad—Council bill No. 19, a bill for an act to amend section 242, fourth division of compiled statutes of Montana relating to vagrants.

Read first and second times and referred to committee on printing.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 28, 1889.

*Mr. President:* I am instructed to inform your honorable body that the following notice of bill was given:

By Jones—A bill for an act to provide for the compensation of justices of the peace.

Also, that his excellency, the governor, has signed house joint resolution, No. 2.

Respectfully submitted,  
BENJ. WEBSTER, Chief Clerk.

## THIRD READING OF BILLS.

Council bill No. 3 was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

Title approved.

On motion of Kennedy, general orders were dispensed with for the present.

On motion of Kennedy, at 10:40 a. m. council took a recess until 2 o'clock p. m.

Council resumed at 2 p. m.

Mr. President in the chair.

Roll called—Quorum present.

## REPORTS OF STANDING COMMITTEES.

By Conrad—*Mr. President:* Your committee on grazing and stock raising, to which has been referred numerous matters, among other things:

That portion of the governor's message pertaining to bounties for the killing of certain animals; the report of the territorial board of stock commissioners to his excellency the governor; the report of Herbert Holloway, veterinarian; the report of R. B. Harrison, recorder of marks and brands;

Would respectfully report upon the various matters above mentioned as follows:

1st. We concur in the recommendation that a bounty law should be passed, offering a bounty for the destruction of such animals as prey upon the flocks and herds of our territory. Your committee has information that such a bill is now pending in the house and will be presented to the council for consideration.

2. That an examination of the report of the board of stock commissioners shows that said board has made the best use possible of the means at its command, and that its efforts have resulted in great benefits, not only to the stock interests of the territory, but to the people at large, in that through the detective system they have not only restored many animals, which would otherwise have been lost to their owners, but have prevented the commission of crimes and depredations, and have brought many fugitives to the bar of justice.

We would call attention to the fact that this board serves without any compensation, and we believe they are entitled to and should receive the thanks of the people for their services in bringing the law into such complete and systematic working order.

We believe that if our stock laws and workings of this board were better understood by the general public they would give universal satisfaction.

3. The report of the territorial veterinarian shows that office to have done much good work, and a marked improvement in the healthfulness of our cattle and horses.

His report on sheep is meagre, but from outside sources your committee is led to believe that the dangerous disease known as scabies is increasing in our flocks, and that additional legislation is needed to protect the sheep industry.

4. The report of R. B. Harrison, secretary, shows 8,500 brands recorded, and estimates that at least one-fourth of these brands have never been used, or the use of them discontinued.

Your committee deems some legislation advisable with a view of devising some means by which they may be cancelled and will endeavor to bring in a bill to that end.

By Brown—*Mr. President*: Your committee on judiciary to whom was referred house bill No. 2, relating to the prohibition of certain gambling games, beg leave to report, that they have had the same under consideration, and report it back to the council with the recommendation that it do pass.

House bill No. 2 was placed in general orders. Also,

*Mr. President:* Your committee on judiciary, to whom was referred council bill No. 5, relating to the matter of duties of county attorneys in divorce cases, beg leave to report that they have had the same under consideration, and report it back to the council with the recommendation that it do not pass.

Council bill No. 5 was placed in general orders. Also,

*Mr. President:* Your committee on judiciary, to whom was referred council bill No. 4, relating to allowing women to be admitted to practise as attorneys-at-laws, beg leave to report that they have had the same under consideration, and report it back to the council without recommendation.

Council bill No. 4 was placed in general orders.

By Hatch—A bill for an act to amend section 953, fifth division, compiled statutes, relative to salaries of county treasurers.

By Middleton—A bill providing for an agricultural and mechanical college in the territory of Montana. Also,

A bill to provide funds to build, furnish and maintain such college, and the appointing of trustees to supervise the construction thereof, and have control of the funds to be appropriated therefor.

Middleton, by leave, made the following report:

*Mr. President:* Your committee on towns and counties, to whom was referred petition of residents of Madison county on change of county line, beg leave to report the same back, and ask that it be referred to a special committee, composed of the members from Madison and Gallatin counties.

On motion of Middleton, the report was adopted and the petition referred to Messrs. Olds and Hoffman.

Also, *Mr. President:* Your committee on towns and counties herewith transmit council bill No. 7, for an act to authorize counties to build free bridges and would respectfully recommend that the bill do pass with the following amendment:

Strike out the words "fifty dollars" in section 3 thereof, and insert in lieu thereof, the words "two hundred dollars."

Kennedy moved to amend the report by making the amount one hundred dollars, instead of two hundred as recommended.

Motion prevailed.

On motion of Middleton, the report as amended was adopted, council bill No. 7 was placed in general orders.



## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 29, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Swiggett—A bill for the regulation and discipline of the National Guard of Montana.

By Hunt—A bill for an act to enable certain cities and towns to incur indebtedness.

The following bill was introduced by Jones:

House bill No. 10, entitled "An act providing for the compensation of justices of the peace." Ordered printed.

The following resolution was introduced by Murray, was adopted and is herewith transmitted:

House concurrent resolution No. 4, providing for a joint committee to examine into the affairs of the penitentiary and insane asylum, and report thereon.

Members of joint committee from the house, Messrs. Murray, Comfort, Blakely, Congdon, Pickman.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

House bill No. 4 was read first and second times.

On motion of Kennedy, the rules were suspended.

The resolution was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

## GENERAL ORDERS.

The house resolved itself into committee of the whole for the consideration of general orders.

Olds in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Mr. Olds made the following report:

*Mr. President:* Your committee of the whole respectfully report that they have had under consideration council bill No. 2, an act to amend section 1973, fifth division of the compiled statutes of Montana, relating to the duty of assessors to collect statistics and recommend that the same be laid on the table.

Your committee have also had under consideration house bill No. 2, a bill for an act to prohibit certain gambling games, and fixing penalties for violation thereof, report progress and ask leave to sit again.

On motion of Kennedy the report was adopted and council bill No. 2 was laid on the table without prejudice.

On motion of Middleton at 4:15 p. m., the council adjourned until to-morrow.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## SEVENTEENTH DAY—WEDNESDAY.

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### COUNCIL CHAMBER,

Helena, Montana, January 30, 1889.

Council met at 10 o'clock a. m.

President in the chair.

The roll was called and the members all found present.

Prayer by the chaplain.

Journal of yesterday read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

By Brown—A bill relating to the protection of cemeteries and the remains of the dead.

### INTRODUCTION OF BILLS.

By Middleton—Council bill No. 20, a bill for an act to amend section 255, first division, compiled statutes of Montana, relating to the formation of the jury.

Read first and second times and referred to committee on printing.

By Kennedy—Council bill No. 21, a bill for an act to amend

sections 1093 and 1095 of the fifth division, general laws of the compiled statutes of Montana, relating to the reports of the supreme court of Montana.

Read first and second times and referred to committee on printing.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 20, 1889.

*Mr. President:* I am instructed to inform your honorable body that the following notices of bills have been given:

By Waite—A bill to amend section 1812, of an act concerning roads and highways.

By Roberts—A bill to establish the office of inspector of mines.

The following bill was introduced:

By Waite—House bill No. 11, a bill for an act to reestablish the western boundary line of Fergus county.

I am also instructed to transmit to your honorable body house bill No. 3, which has passed the house by the following vote:

Ayes—21.

Nays—none.

Absent—Haskell and Gillette.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

House bill No. 3 was read first and second times and referred to committee on territorial affairs.

GENERAL ORDERS.

The council resolved itself into committee of the whole.

Mr. Olds in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Olds made the following report:

*Mr. President:* I am instructed by your committee of the whole to report consideration of the following bills, with the recommendations:

That house bill No. 2, a bill for an act to prohibit certain gambling games and fixing penalties for violation thereof, be referred to a special committee of the council for further consideration.

That council bill No. 5, defining the duties of county attorneys in divorce cases, be amended by striking out all after enacting clause.

Kennedy moved that the report of the committee in regard to house bill No. 2 be adopted and that council bill No. 5 be laid on the table.

The motion prevailed.

Mr. President announced as council members of joint committee to inspect the territorial penitentiary and insane asylum, Messrs. Hatch, Kennedy and Thompson of Silver Bow.

Also, as special committee to consider house bill No. 2, Messrs. Thompson of Silver Bow, Conrad and Hatch.

On motion of Collins, the council took recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

On motion of Conrad leave of absence was granted to Thompson of Deer Lodge.

#### REPORT OF STANDING COMMITTEE.

By Collins—*Mr. President*: Your committee on printing desire to report that they have examined council bill No. 14, an act to provide for the appointment and to prescribe the duties of a public examiner, and find the same correctly printed.

Council bill No. 14 referred to committee on federal relations.

#### NOTICE OF INTRODUCTION OF BILL.

By Thompson of Silver Bow—*Mr. President*: I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for an act regulating corporations.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Mr. Olds in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Mr. Olds made the following report:

*Mr. President:* Your committee of the whole respectfully report that the committee, having considered council bill No. 4, to amend chapter 9 of the fifth division of general laws of Montana, to allow women to be admitted to practice as attorneys-at-law, recommend that the bill do pass.

Also, the committee having considered council bill No. 7, to authorize counties to build free bridges, recommend that the bill do pass.

On motion of Kennedy the report was adopted and the bills ordered engrossed.

Thompson of Silver Bow asked to be relieved from service on special committee to inspect penitentiary and insane asylum.

On motion of Brown so ordered.

Mr. President appointed Conrad to supply the vacancy.

On motion of Brown, at 3:50 p. m., the council adjourned until to-morrow.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## EIGHTEENTH DAY—THURSDAY.

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COUNCIL CHAMBER,

Helena, Montana, January 31, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—members all present.

Prayer by the chaplain.

Journal of yesterday read and approved.



## REPORTS OF STANDING COMMITTEES.

By Brown—*Mr. President*: Your committee on judiciary, to whom was referred council bill No. 11, beg leave to report that they have had under consideration this bill, and recommend that it do pass with the following amendments:

We recommend that before the word "and" in the 21st line of the printed bill the following be inserted: "And provided, that in any criminal case or matter being investigated by a grand jury, in which the county attorney is interested, or fails to perform his duties as such officer, the district judge may in his discretion, upon a proper showing, appoint some other attorney of the court to prosecute the case and discharge all the duties of the county attorney, in such cause or matter. And the said attorney so appointed shall receive such compensation for his services as the court, by order, shall allow, not to exceed the sum of twenty-five dollars in any one case."

And your committee further recommend that section 2 of the printed bill be amended so as to read as follows:

Sec. 2. All acts and parts of acts in conflict herewith, particularly an act entitled an act relating to county attorneys, approved September 14th, 1887, be and the same are hereby repealed.

Council bill No. 11 was placed on general orders.

Also, *Mr. President*: Your committee on judiciary, to whom was referred council bill No. 12, relating to drawing juries, beg leave to report that they have had the same under consideration, and report it back to the council with the recommendation that it do pass with the following amendments:

In line 9 of the printed bill strike out the word "twenty" and insert the word "thirty." In line 10 strike out the word "grand" and insert the word "trial." Strike out of line 10 all after the word "court." Strike out all of line 11 and all of line 12 up to the word "and."

And your committee further recommend that an additional section be inserted after section 1 of said printed bill, as follows, to wit:

Sec. 2. That after the names of all trial jurors shall have been drawn from said box, as above specified, it shall be locked up and kept by the clerk of the district court; and that whenever, during the term of court for which said names were placed in said box, it shall become necessary to summon additional jurors, the district clerk of said court shall draw from said box

the names of as many additional jurors as may be required, and when any juror whose name is so drawn resides such distance from the court house as to cause great delay in summoning him, the said clerk may lay such name aside and draw another name, and such names so drawn and selected shall constitute the said list of special jurors. That whenever in the trial of any cause a jury cannot be obtained from the names in said box without causing great delay, or other cause, the court may order the county clerk to take from the assessment roll as many additional names as may be required to draw from, or may order an open venire to issue to the sheriff for the additional jurors required in its discretion.

That this act in relation to the manner of drawing and summoning the trial jurors is declared to be directory, and no judgment, criminal or civil, shall be set aside or reversed by reason of a failure to comply with its provision.

And your committee further recommend that section 1302 be amended so as to read as follows, to wit:

Sec. 1302. It shall be the duty of the chairman of the board of county commissioners, the county clerk and the probate judge of the county, at least twenty days prior to the assembling of a court authorized by law to inquire into public affairs by the intervention of a grand jury, to select the names of twenty persons eligible to serve as jurors, and upon a venire being issued by the clerk of such court, the sheriff shall, at least five days prior to the meeting of the court, summon said persons to appear on the first day of the next term, and from such panel the court shall select sixteen persons who shall constitute such grand jury.

And we further recommend that section 2 of the printed bill be numbered section 4; and we still further recommend that the title of said council bill No. 12 be amended by inserting after the figures "1297" the following: "and section 1302."

Council bill No. 12 was placed on general orders.

Also, *Mr. President*: Your committee on judiciary, to whom was referred council bill No. 13, relating to the legal rate of interest, beg leave to report that they have had the same under consideration, and report it back to the council with the recommendation that it do pass.

#### BILLS PLACED IN GENERAL ORDERS.

By Bickford—*Mr. President*: Your committee on federal relations would most respectfully report and ask the adoption of the following memorial, believing the same expresses in part, at least, the sentiment of the people on the subject of admission.

Council joint memorial No. 8, introduced by Bickford, from committee on federal relations, was read the first and second times and placed on general orders.

By Collins—*Mr. President*: Your committee on printing desire to report that we have examined council bill No. 15, relating to the office of police magistrate in incorporated towns and cities.

Also, council bill No. 16, an act to amend sections 181 and 183 of the first division, code of civil procedure, compiled statutes of Montana, relating to attachments, and find the same correctly printed.

Council bills Nos. 15 and 16 were referred to the committee on judiciary.

#### NOTICES OF INTRODUCTION OF BILLS.

By Thompson of Deer Lodge—A bill for an act to define and establish the eastern boundary of Deer Lodge county.

#### INTRODUCTION OF BILLS.

By Brown—Council bill No. 22, a bill for an act relating to the protection of cemeteries and the remains of the dead.

Read first and second times and referred to committee on printing.

By Thompson of Silver Bow—Council bill No. 23, a bill for an act regulating corporations.

Read first and second times and referred to committee on printing.

By Hatch—Council bill No. 24, a bill for an act entitled "An act to amend section 953, fifth division, general laws of the territory of Montana, relating to the salaries of county treasurers.

Read first and second times and referred to committee on printing.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 30, 1889.

*Mr. President*: I am instructed by the house to inform your honorable body that house bill No. 6, introduced by Pickman, providing for the regulation of the practice of medicine, etc., was referred from the committee of the whole to a special committee of three, consisting of Messrs. Pickman, Swiggett and Moore, to

act with the council committee having a bill of a similar nature under consideration.

Also, that the following bill was introduced by Hunt:

House bill No. 12, a bill for an act to amend an act to enable certain cities and towns to incur indebtedness.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

On motion of Kennedy, the committee on territorial affairs was instructed to co-operate with the house special committee on house bill No. 6.

#### GENERAL ORDERS.

The council resolved into committee of the whole.

Mr. Bickford in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Mr. Bickford reported that the committee of the whole had considered council joint memorial No. 8, relating to the admission of Montana into the Union, report progress and ask leave to sit again.

Report adopted.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 30, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that further consideration of house bill No. 5, an act to amend section 1528 of the fifth division, general laws, has been indefinitely postponed.

Also, that the following notaries of bills have been given conveyance of the dower rights of insane married women.

By Pickman—A bill for the protection of fish in the streams of the territory of Montana.

BENJAMIN WEBSTER, Chief Clerk.

At 12 m.. on motion of Kennedy, council took a recess until 2 o'clock p. m.

## AFTERNOON SESSION.

Council resumed at 2 p. m.

Mr. President in the chair.

Roll called—quorum present.

## REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge—*Mr. President*: Your committee on engrossment, to whom was referred the following bills and memorial, viz.: Council bill No. 7, a bill for an act to amend chapter 9, fifth division, general laws of Montana: council joint memorial No. 7, relating to the sale of mineral lands to aliens, respectfully report that they have examined the same and find them correctly engrossed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 31, 1889.

*Mr. President*: I am instructed by the house to inform your honorable body that the following notice of bill was given:

By Congdon—A bill for an act to prevent the killing of buffalo and other large game.

Also that the following bills were introduced:

By Pickman—House bill No. 13, entitled "An act for the protection of fish in the waters of Montana territory."

Ordered printed.

By Roberts—House bill No. 14, entitled "A bill for an act authorizing the conveyance of the dower rights of insane married women."

Ordered printed.

Also, to transmit to your honorable body house bill No. 8, an act to provide for the payment of bounties for the killing of certain stock-destroying animals, which passed the house by a unanimous vote.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

House bill No. 8, just transmitted, was, on motion of Kennedy, ordered returned to the house for proper engrossment.

## THIRD READING OF BILLS.

Council bill No. 4 was read the third time and passed by the following vote:



Ayes—Messrs. Brown Bickford, Conrad, Hoffman, Hatch, Middleton, Olds, Mr. President—8.

Noes—Messrs. Collins, Kennedy, Thompson of Deer Lodge and Thompson of Silver Bow—4.

Title agreed to.

Council joint bill No. 7 was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hatch, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—none.

Title agreed to.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

Helena, Montana, January 31, 1889.

*Hon. C. K. Cole, President of the Council, and Hon. Lee Mantle, Speaker of the House of Representatives:*

I have the honor to present through you to the legislative assembly the annual report of the veterinary surgeon, touching the sheep culture in the territory of Montana for the year 1888, and I respectfully call your attention to the suggestions and recommendations therein contained.

PRESTON H. LESLIE.

#### VETERINARY SURGEON'S REPORT.

OFFICE OF THE TERRITORIAL VETERINARY SURGEON,  
Helena, Montana, January 30, 1889.

*To His Excellency P. H. Leslie, Governor, Helena, Montana:*

SIR: I have the honor to submit my annual report as territorial veterinary surgeon, in accordance with section 72 of chapter 4 of the revised statutes of the territory of Montana, on the condition of sheep within this territory. My delay in making this report has been caused by my inability to obtain reports from several of the county deputies.

Since what is commonly known as the "scab law" has been in operation, very much has been done towards eradicating scabies among the flocks of the territory.

In the spring of 1887 there was a very large amount of this disease in Montana, the sheep in Meagher, Fergus and Choteau

counties being largely affected. I am happy to be able to state that through the exertions of the inspectors of Meagher and Fergus counties, the disease in those counties has been almost stamped out. In Fergus county, which has nearly a quarter of a million sheep, there are at the present time only 1,050 held in quarantine; and in Meagher county, where there are quite as many, only about 5,000 are so held. This, taking into consideration the many thousands affected when the law went into operation, makes a very satisfactory showing. Although good work has been done in Choteau county, there is still in a portion of that county considerable disease. In Park county scabies is unfortunately spreading.

This has been brought about through the indifference of the wool-growers themselves in that particular section in enforcing the provisions of the law. In order to make the "scab law" more effective, I would respectfully suggest that some alterations be made in its existing provisions. County deputies are now allowed five dollars per diem, when actually employed, but are not allowed anything for traveling expenses, except when out of their respective counties. You will readily see that this is a great bar to properly enforcing the law, as the distances to be traveled by deputies are often very great, and the actual expenses in such traveling often exceed the salary allowed. This has been one of the greatest difficulties with which I have had to contend.

I am of the opinion the county deputies should be allowed necessary traveling expenses, or that there should be appointed in each county a sufficient number of such deputies to inspect all sheep brought from other counties, and that no sheep should be taken from one county to another without first obtaining a clean bill of health from an inspector of the county into which they wish to move. This would effectually prevent a repetition of the trouble now in Park county.

There was collected during the past year, under the special tax upon sheep, the sum of \$1,747.46 from counties, as follows:

County.	Assessed value sheep.	Amt. collected.
Choteau.....	\$334,636	\$107 62
Custer.....	81,371	40 02
Cascade.....	188,956	236 70
Dawson.....	23,452	24 80
Fergus.....	408,080	583 89
Gallatin.....	30,430	39 60
Jefferson.....	22,600	nil
Lewis and Clarke.....	63,835	80 24
Madison.....	40,395	nil

*Continued—*

County.	Assessed value sheep.	Amt. collected.
Meagher .....	\$428,505	\$513 92
Park .....	174,710	nil
Silver Bow.....	5,830	nil
Yellowstone.....	87,599	120 67

The counties of Beaverhead, Deer Lodge and Missoula, although having 156,667 sheep, of the assessed value of \$275,170, are exempted from taxation for the sheep inspector and indemnity fund. This fact operates to some extent against the provisions for eradicating "scab," as these counties are the particular ones through which sheep coming from the Pacific coast have to pass en route to the great sheep ranges of the eastern part of the territory. You will observe from the above table that there has been great neglect in collecting the amounts required by the law. While some counties have collected the one and one-half mills, others have collected much less, and a number have totally ignored it. This leaves the fund more than a thousand dollars short of the sum contemplated by the law, and which is another serious drawback to its proper enforcement.

In this report I have only called your attention to one disease, as aside from "scab" the sheep of Montana are remarkably free from any disorder.

All of which is respectfully submitted,

HERBERT HOLLOWAY, V. S.,  
Territorial Veterinary Surgeon.

Report referred to committee on grazing and stock raising.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Bickford in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Bickford reported as follows:

*Mr. President:* Your committee of the whole respectfully report consideration of the following bill and memorial:

Council joint memorial No. 8, relating to the admission of Montana into the Union, which is recommended to pass.

Council bill No. 11, to amend section 845 of chapter 64 of

compiled statutes, relating to county attorneys, to which we recommend the adoption of the amendments reported by the committee on judiciary, and that as amended the bill do pass.

And your committee ask leave to sit again.

On motion of Kennedy, the report of the committee of the whole was adopted.

Council joint memorial No. 8 was ordered engrossed.

The amendments to council bill No. 11, reported by the committee on judiciary, were adopted.

Middleton moved to amend the title so as to read as follows:

An act to amend section 845 of chapter 64, fifth division of compiled statutes, relating to county attorneys, and to repeal an act entitled "An act relative to county attorneys," approved September 14, 1887.

Motion adopted.

Council bill No. 11 as amended was ordered engrossed.

At 4:10 p. m., on motion of Thompson of Silver Bow, the council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

## NINETEENTH DAY—FRIDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 1, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and members all found present.

Prayer by the chaplain.

The journal of yesterday was read and approved.

### REPORTS OF STANDING COMMITTEES.

By Brown—*Mr. President:* Your committee on judiciary, to whom was referred council bill No. 16, relating to attach-

ments, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do pass.

Council bill No. 6 was placed on general orders.

Also, *Mr. President*: Your committee on judiciary, to whom was referred council bill No. 12, relating to drawing juries, beg leave to report that they have had the same under consideration, and report it back to the council with the recommendation that it do pass with the following amendments:

In line 9 of the printed bill strike out the word "twenty" and insert the word "thirty." In line 10 strike out the word "grand" and insert the word "trial." Strike out of line 10 all after the word "court." Strike out all of line 11 and all of line 12 up to the word "and."

And your committee further recommend that an additional section be inserted after section 1 of said printed bill, as follows, to-wit: "Section 2. That after the names of all trial jurors have been drawn from said box, as above specified, it shall be locked up and kept by the clerk of the district court, and that whenever, during the term of court for which said names were placed in said box, it shall become necessary to summon additional jurors, the district clerk of said court shall draw from said box the names of as many additional jurors as may be required, and when any juror whose name is so drawn resides such distance from the court house as to cause great delay in summoning him, the said clerk may lay such name aside and draw another name, and such names so drawn and selected, shall constitute the said list of special jurors.

That whenever in the trial of any cause a jury cannot be obtained from the names in said box without causing great delay, or other cause, the court may order the county clerk to take from the assessment roll as many additional names as may be required to draw from, or may order an open venire to issue to the sheriff, for the additional jurors required, in its discretion. That this act in relation to the manner of drawing and summoning of trial jurors is declared to be directory, and no judgment, criminal or civil, shall be set aside or reversed by reason of a failure to comply with its provisions."

And your committee further recommend that section 1302 be amended so as to read as follows:

Sec. 1302. It shall be the duty of the chairman of the board of county commissioners, the county clerk and the probate judge of the county, at least twenty days prior to the assembling of a court authorized by law to inquire into public affairs by the



intervention of a grand jury, to select the names of twenty persons eligible to serve as jurors, and upon a venire being issued by the clerk of such court the sheriff shall, at least five days prior to the meeting of the court, summon said persons to appear on the first day of the next term, and from such panel the court shall select sixteen persons who shall constitute such grand jury.

And we further recommend that section 2 of the printed bill be numbered section 4.

And we still further recommend that the title of said council bill No. 12 be amended by inserting after the figures "1297" the following: "and section 1302."

Bill placed on general orders.

By Collins—*Mr. President*: Your committee on printing desire to report that they have examined council bill No. 17, relating to the time when acts and joint resolutions shall take effect. Also council bill No. 19, relating to vagrants, and find the same correctly printed.

Council bills No. 17 and 19 were referred to committee on judiciary.

#### INTRODUCTION OF BILLS.

By Thompson of Deer Lodge—Council bill No. 25, a bill for an act to define and establish the eastern boundary line of Deer Lodge county.

Read first and second times and referred to a special committee consisting of Thompson of Deer Lodge and Kennedy.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 31, 1889.

*Mr. President*: I am instructed by the house to inform your honorable body that the following notice of bills were given.

By Blakely—A bill providing for the appointment of probate clerks for the several counties of this territory and for the pay therefor.

By Jones—A bill requiring railroad companies to fence their tracks within the territory of Montana, and to keep said fence in good repair.

The following bills were introduced:

By Swiggett—House bill No. 15, an act entitled, "An act to

to provide for the organization, regulation and discipline of the National Guard of Montana."

By Roberts—House bill No. 16, entitled, "A bill for an act to establish the office of inspector of mines."

I am also instructed to return to your honorable body council bill No. 6, which has passed the house by an unanimous vote.

Ayes—23.

Noes—None.

Respectfully submitted,  
BENJ. WEBSTER, Chief Clerk.

Council bill No. 6 was ordered enrolled.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Mr. Brown in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Mr. Brown was granted time to make report.

On motion of Middleton, at 11:40 a. m. council took a recess until 2 p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

President in the chair.

Roll called, quorum present.

Brown, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole respectfully report that the following bills referred to them have been considered by the committee:

Council bill No. 13, relating to legal rate of interest, to which the committee recommends the adoption of the amendments returned with the bill, and that the bill do pass as amended.

Council bill No. 12, to amend section 1297, fifth division compiled statutes, relating to drawing juries, and your committee recommend that the amendments annexed to the bill be adopted, and that, as amended, the bill do pass.

On motion of Kennedy, the report of the committee of the whole was adopted, and council bills Nos. 12 and 13 ordered engrossed.

By Thompson of Deer Lodge—*Mr. President*: Your committee on engrossment, to whom was referred council joint memorial No. 8, relating to the admission of Montana into the Union, beg leave to report that they have examined the same and find it correctly engrossed.

Council joint memorial No. 8 was passed to third reading.

COMMUNICATIONS FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 1, 1889.

*Mr. President*: I am instructed to inform your honorable body that the final vote on house bill No. 8 was reconsidered and the bill re-referred to the committee on engrossment. Also that the following notice of a bill was given:

By Congdon—A bill relating to sole traders, repealing a portion of chapter 86 of the compiled statutes of Montana, relating to married women.

The following bill was introduced:

By Haskell—House bill No. 7 entitled "An act creating a territorial board of equalization, prescribing its duties and the duties of certain county officers.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 1, 1889.

*Mr. President*: I am instructed to inform your honorable body that the rules were suspended and house bill No. 8 was read for the third time by its title and passed by the following vote:

Ayes—21.

Nays—none.

Absent—Hunt and Joslyn.

Respectfully submitted,  
BENJ. WEBSTER, Chief Clerk.

House bill No. 8 was read first and second times and referred to committee on grazing and stock raising.

THIRD READING COUNCIL BILLS.

Council joint memorial No. 8, relating to admission of Montana into the Union, was read the third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton and Olds—9.

Noes—Thompson, of Deer Lodge, Thompson of Silver Bow and Mr. President—3.

Title agreed to.

On motion of Kennedy general orders were passed.

The council went into executive session.

Council resumed.

Mr. President in the chair.

Mr. President announced the confirmation of the appointment of Hon. Wm. E. Cullen, as attorney general of the territory of Montana.

Collins moved to adjourn until Monday at 10 o'clock a. m.

Upon which the roll was called with the following result:

Ayes—Collins, Hoffman, Hatch, Kennedy—4

Noes—Brown, Bickford, Conrad, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—8.

Motion lost.

Mr. Collins was excused until Monday.

On motion of Middleton council adjourned until to-morrow.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## TWENTIETH DAY—SATURDAY.

## COUNCIL CHAMBER,

Helena, Montana, February 2, 1889.

Council met at 10 o'clock a. m.

President in the chair.

Roll called and all the members found present except Mr. Collins, who was excused.

Prayer by the chaplain.

Journal of yesterday was read and approved.

## REPORTS OF SPECIAL COMMITTEES.

By Thompson of Silver Bow from the special committee.

*Mr. President:* Your special committee to whom was referred house bill No. 2, a bill for an act to prohibit certain gambling games and fixing penalties for violation thereof, have considered the same and beg leave to report a substitute therefor, and recommend the passage of the substitute.

Council substitute for house bill No. 2 was read first and second times and Thompson of Silver Bow, upon his own request was permitted to withdraw the bill.

By Thompson of Silver Bow:

*Mr. President:* Your special committee to whom was referred council bill No. 1, entitled "A bill to establish a Territorial board of inspection of steam boilers and for the examination and licensing of stationery engineers" beg leave to report that they have had the same under consideration and recommend its passage with the amendments annexed thereto.

Council bill No. 1 was placed in general orders.

## NOTICES OF INTRODUCTION OF BILLS.

By Brown—A bill for an act repealing sections 1657, 1658,



1659, 1660, 1662, 1663 and 1664, fifth division of the compiled statutes of Montana Territory relating to the rights of parties occupying the public domain.

#### GENERAL ORDERS.

The council resolved into committee of the whole.

Mr. Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Mr. Hatch made the following report:

*Mr. President:* I am instructed by the committee of the whole to report consideration of the bills hereinafter mentioned, and to recommend that the amendments returned with council bill No. 16, (a bill to amend sections 181 and 183, first division compiled statutes relating to attachments,) and council bill No. 15, (a bill for an act relating to the office of public magistrate in incorporated towns and cities,) be adopted, and that as amended the bills do pass.

On motion of Kennedy the report and amendments were adopted.

Council bills Nos. 16 and 15 were ordered engrossed.

At 12 m., on motion of Thompson of Deer Lodge, council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 p. m.

Mr. President in the chair.

Roll called—Quorum present.

#### INTRODUCTION OF BILLS.

By Thompson of Silver Bow, from special committee (by leave)—Council bill No. 26. A bill for an act to prohibit certain gambling games, and fixing the penalty for violation thereof.

Ordered printed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 2, 1889.

*Mr. President:* I am instructed by the house to inform your

honorable body that the committee of the whole have reported back council bill No. 30, relating to attachments in justice's courts with the recommendation that further consideration of the same be indefinitely postponed, and that the report was adopted.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Thompson of Deer Lodge in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Mr. Thompson of Deer Lodge made the following report:

*Mr. President:* Your committee of the whole respectfully report that after consideration of council bill No. 1, to establish a territorial board of inspection of steam boilers, and for the examination and licensing of stationary engineers, the committee recommend the adoption of the amendments herewith returned, and that as amended the bill do pass.

On motion of Kennedy, report and amendments adopted, bill ordered engrossed.

On motion of Kennedy, at 4:30 p. m. council adjourned until Monday next at 2 o'clock p. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

#### TWENTY-SECOND DAY—MONDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 4, 1889.

Council met at 2 o'clock p. m.

The president in the chair.

Roll called and all the members found present except Mr. Hoffman.

On Motion of Olds, Hoffman was excused from attendance for this day.

Prayer by the chaplain.

Journal of twentieth day read and approved.

#### REPORTS OF STANDING COMMITTEES.

By Kennedy—*Mr. President*: Your joint committee on enrollment, to which was referred council bill No. 6, concerning the boundaries of Missoula, Deer Lodge, Silver Bow and Beaverhead Counties, begs leave to report said bill correctly enrolled.

By Conrad—*Mr. President*: Your committee on grazing and stock raising, to whom was referred house bill No. 8, providing for the payment of bounties for the killing of certain stock destroying animals, have examined the same and refer it back to the council with the recommendation that it do pass.

Bill placed on general orders.

By Olds—*Mr. President*: Your committee to whom was referred the governor's communication of January 28, 1889, in relation to necessary and proper legislation in regard to the safety of working and securing mines and the making of some provision in relation to the World's Exposition at Paris, to be opened in May next, beg leave to report the following:

First. So far as the working and securing the mines is concerned, your committee find that there is now pending in the house of representatives a bill for the creation of the office of mine inspector, with which your committee are in hearty sympathy, and your committee are of the belief that the passage of such a bill will greatly tend to the safety of those engaged in the business of mining.

Second. Your committee do not believe it prudent or wise to recommend to the legislative assembly of the territory of Montana the appropriation of any money, or the appointment of any commissioner to the Paris Exposition in May next, for the following reasons:

1. There are now only about three months before the opening of the exposition.
2. The time for collecting the proper materials for a creditable exhibition occurs at that season of the year when only a partial collection could be made. Many of your mining centres are covered with snow, and so difficult of approach as to render it impossible to procure a collection of minerals from them which would do honor and credit to the mining industry of Montana.
3. And further, the exposition to take place in Paris in May

next is beyond the sea, which is an additional obstacle to those presented at the winter season.

4. That while, remember, that during the year 1888, Montana was proven to be the greatest producer of the precious metals of any of the states and territories of the United States, a fact that is well known and attested to the mining, financial and commercial worlds, and contributed to the wealth of the world by its output in gold, silver, copper, and other valuable metals, over \$38,000,000, that it is the most inviting field for the prospector or investor in mining operations, on the face of the globe. That while we would gladly welcome every honest and capable laborer and capitalist to help develop the vast resources of the solid and enduring wealth of our territory, we regret to say that there is now a law on the statutes of the United States to which we must and do bow in humble submission and obedience, that prohibits any alien from investing in any of our mining properties, while we remain a territorial dependency. Suppose, then, that we should go to the expense then of at least \$20,000 to say nothing of the pains and labors of the miners and laborers in our mines, to exhibit at Paris such evidences of our wealth and resources, what good would come of it? The capitalists of all foreign countries would turn their backs with a sneer because they know that by the law of congress they are debarred from investing in our mining properties. While your committee heartily agree with and approve the statesmanlike views of the governor, we are of the opinion that no commission should be appointed to the Paris exposition, and that no funds should be appropriated therefor, for the reasons above given.

Report placed on general orders.

By Thompson of Deer Lodge—*Mr. President:* Your committee on engrossment, to whom were referred the following bills, viz.: Council bill No. 11, an act to amend section 845, chapter 64, fifth division, compiled statutes, relating to county attorneys, and to repeal an act entitled an act relating to county attorneys, approved September 14, 1887; also council bill No. 12, an act to amend sections 1297 and 1302 of the fifth division, compiled statutes, relating to drawing juries; also council bill No. 13, a bill for an act to amend sections 1236, 1237 and 1238, fifth division, compiled statutes, relating to legal rate of interest; also council bill No. 15, an act relating to the office of police magistrate in incorporated towns and cities; also council bill No. 16, an act to amend sections 181 and 183, first division, compiled statutes of Montana, relating to attachments, respectfully report that they have examined the same and find them correctly engrossed.

Council bills Nos. 11, 12, 13, 15 and 16 were placed on calendar for third reading.

#### NOTICES OF INTRODUCTION OF BILLS.

By Bickford—A bill providing for the registration of voters and regulating elections.

#### INTRODUCTION OF BILLS.

By Brown—Council bill No. 27, a bill for an act repealing sections 1657, 1658, 1659, 1660, 1661, 1662, 1663 and 1664 of the compiled statutes of Montana territory, fifth division, relating to the rights of parties occupying the public domain.

Read first and second times and referred to committee on printing.

By Bickford—Council bill No. 28, a bill for an act to regulate the taking up and care of estray animals and providing fees and compensation therefor.

Read first and second times and referred to committee on printing.

By Collins—Council bill No. 29, a bill for an act to regulate printing and the purchase of blank books and stationery in the several counties of the Territory of Montana.

Read first and second times and referred to committee on printing.

#### THIRD READING OF COUNCIL BILLS.

Council bill No. 11 was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Noes—none.

Absent—Hoffman.

Title agreed to.

Council bill No. 12 was read the third time.

Middleton asked unanimous leave to amend the bill by inserting after the word "chairman" in both sections 1297 and 1302 the words "or in his absence any member."

Amendment adopted.



Bickford asked unanimous leave to amend by inserting in line 4, after the word "county," the words "or any two of the said officers."

Amendment lost.

On motion of Kennedy, the bill was re-referred to committee on engrossment.

Council bill No. 13 was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Collins, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—9.

Noes—Messrs. Conrad and Hatch—2.

Absent—Hoffman.

Title agreed to.

Mr. President announced the signing of council bill No. 6.

Council bill No. 15 was read the third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President.—11.

Noes—None.

Absent—Hoffman.

Title agreed to.

Council bill No. 16 was read the third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Noes—None.

Absent—Hoffman.

Title agreed to.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Thompson of Deer Lodge in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

#### REPORT OF COMMITTEE.

By Thompson of Deer Lodge—*Mr. President:* Your committee of the whole respectfully report that the committee having considered the report of the committee on mines and minerals, instructs its chairman to report the same back, with the recommendation that that portion thereof which refers to the Paris exposition be referred to a select committee to confer with a like committee of the house on the same subject, and that they recommend that so much of said report as relates to the creation of the office of mine inspector be reported back for adoption, and that such recommendation be spread upon the minutes of the council.

Kennedy moved that that portion of the report recommending the reference to a special joint committee the subject of appointing a commissioner to the Paris exposition be not adopted, upon which the roll was called with the following result:

Ayes—Brown, Bickford, Collins, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—8.

Noes—Conrad, Middleton, Mr. President—3.

Absent—Hoffman.

Motion carried.

On motion of Kennedy, the report of the committee of the whole as amended was adopted.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 4, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Davis—A bill regulating the business of pawnbrokers and junk-dealers.

Also, that the following bill for an act to provide for the registration of the names of electors and to prevent fraud at elections.

Also, to return to your honorable body council bill No. 4, which has passed the house by the following vote:

Ayes—13.

Noes—7.

Absent—Carver, Congdon and Murray.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 4 having been transmitted with foregoing message, instead of council bill No. 4, as stated, the chief clerk was instructed to return said house bill No. 4, and ask for information as to said discrepancy.

On motion of Kennedy, at 4:10 p. m. council adjourned until to-morrow.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## TWENTY-THIRD DAY—TUESDAY.

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COUNCIL CHAMBER,

Helena, Montana, February 5, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—members all found present.

Prayer by the chaplain.

Journal of yesterday read and approved.

### PETITIONS.

A petition was presented by Kennedy from the citizens of Boulder, in Jefferson county and vicinity, numbering 100, asking for the passage of council bill No. 8, relating to elections.

Also, a petition of sixteen persons of Alhambra and a petition of fourteen persons of St. Louis, for the same.

Petitions referred to committee on elections.

Olds presented remonstrances from 400 citizens of Madison County against division of Madison county.

Referred to special committee consisting of Olds and Hoffman.

## REPORTS OF STANDING COMMITTEES.

By Brown—Your committee on judiciary to whom was referred council bill No. 17, relating to the time when acts of the legislature should take effect, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it be amended so as to read as follows: "All acts and joint resolutions which declare they take effect from and after their passage and approval by the governor are hereby declared to take effect only at the seat of government, and in other portions of the territory allowing fifty miles from the seat of government each day," and that it do pass as amended.

On motion of Kennedy the amendment was adopted.

Bill passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred council bill No. 19, relating to vagrants, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

Bill passed to general orders.

By Collins—*Mr. President*: Your committee on printing desire to report that they have examined the following bills and find the same correctly printed, to-wit:

Council bill No. 20, to amend section 255, first division compiled statutes of Montana, relating to the formation of the jury.

Council bill No. 21, to amend sections 1993 and 1995, fifth division, general laws of the compiled statutes, relating to reports of the supreme court of Montana.

Council bill No. 18, to provide for the safety of passengers traveling by rail in the territory of Montana.

Council bill No. 22, relating to the protection of cemeteries and the remains of the dead.

Council bill No. 18 was referred to the committee on emmigration.

Council bills No. 20 and 21 were referred to committee on judiciary.

Council bill No. 22 was referred to committee on public lands.

By Thompson of Deer Lodge—*Mr. President*: Your committee on engrossment, to whom was referred council bill No. 12, entitled an act to amend sections 1297 and 1302, of the fifth

division of the compiled statutes of Montana, relating to drawing juries, beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 12 was passed to third reading.

#### NOTICES OF INTRODUCTION OF BILLS.

By Collins—A bill for an act fixing the compensation of county officers.

By Bickford—A bill for an act to amend section 1305 of the fifth division, compiled statutes of Montana, relating to exemptions from jury duty.

Also, a bill for an act to amend sections 898 and 900, fifth division, compiled statutes of Montana, relating to the duties of county surveyor.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 5, 1889.

*Mr. President:* I am directed by the house to inform your honorable body that, by an error council bill No. 4 was declared passed by the house instead of house bill No. 4.

Yours respectfully,  
BENJAMIN WEBSTER, Chief Clerk.

House bill No. 4 was read first and second times and referred to committee on judiciary.

#### THIRD READING OF BILLS.

Council bill No. 12, relating to drawing of juries, was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Noes—none.

Absent—Hatch.

Title agreed to.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Kennedy in the chair.

The committee arose.



Council resumed.

Mr. President in the chair.

Kennedy made the following report:

*Mr. President:* Your committee of the whole, has had under consideration council bill No. 17, to amend section 1307 of the compiled statutes, relating to the time when acts of the legislature shall take effect, and recommend that it do pass.

Also, council bill No. 19, relating to vagrants, and recommend that it be amended by striking out the word "healthy" in line 6 of section 242, and that it be referred to the judiciary committee for further amendment.

On motion of Thompson of Deer Lodge, the report was adopted.

Council bill No. 17 was ordered engrossed.

Council bill No. 19 was referred to committee on judiciary.

On motion of Hoffman council took a recess until 3 o'clock p. m.

#### AFTERNOON SESSION.

Council met at 3 p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORT OF STANDING COMMITTEE.

By Collins:

*Mr. President:* Your committee on printing desire to report that they have examined council bill No. 23, an act regulating corporations.

Also, council bill No. 24, an act entitled, "An act to amend section 953, fifth division general laws of the territory of Montana, relating to salaries of county treasurers," and find the same correctly printed.

Council bill No. 23, was referred to committee on incorporations.

Council bill No. 24 was referred to committee on ways and means.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred those portions of the governor's message relating to the holding of inquests in cases of alleged insanity, and to the codification of the laws, have the honor to report that they have had these matters under consideration, and as to the matter of inquests on insane persons, your committee do say: That we heartily endorse the recommendations made by the governor, and consider it advisable that some action should be taken at this session of the legislature that will at least tend to remedy the evils referred to in his message. Your committee are informed that there is now pending in the house a bill in relation to this subject that is intended to remedy the law in this respect, and for that reason are of the opinion that no steps are necessary to be taken by the council until the final disposition of that bill in the house.

As to the matter of codification of the laws, your committee have given this part of the Governor's message the most careful consideration and recommend that a law be passed authorizing the governor to appoint a commission of at least three competent lawyers to codify the laws, and to compile and revise our statutes as recommended by the bar association of Montana at their last session, a copy of which resolutions is hereto attached and made a part of our report.

Your committee are informed that Mr. Hunt, of the house, is now preparing a bill that will be introduced in the house within a few days, providing for the appointing of such code commission.

We believe that such bill should provide for and authorize the appropriation of sufficient funds to secure the service of competent lawyers, so that their labors will result in giving us a code of laws that lawyers at least will be able to digest. Such bill should provide for the employment of competent clerks and stenographers and office expenses.

Your committee do not hesitate to recommend the expenditure of sufficient funds to cover the expense of this undertaking, for we feel that the present condition of our statutes is such as to suggest to any person the necessity of a revision and codification of our laws and the expenditure of moneys for that purpose.

*To the Honorable the Legislative Assembly of the Territory of Montana:*

The petition of the Montana Bar Association represents that at the meeting of the Bar Association of Montana, held at Helena, January 10, 1889, the following resolutions were unanimously adopted:

*Resolved,* That it is the sense of the Montana Bar Associa-

tion that the common law, so far as is possible should be reduced to the form of a statute, and that certainly to that extent should be evolved from the uncertainties which now exist, and a codification of the political and criminal law, and on practice should be provided for by the forthcoming legislative assembly, by the appointment of a competent commission to prepare the same.

*Resolved*, That the committee on jurisprudence and law reform is instructed to bring this matter to the attention of the legislative assembly.

Your petitioners further represent that the time has arrived for the appointment of a competent commission to codify the civil and criminal law and procedure, and to arrange, compile, revise and consolidate the statutes of Montana so that every person can find out what the law is, so far as the same can be reduced to the form of a statute.

Experience in various states and territories has shown that these codes can be framed so as to ensure some degree of certainty at least as to what the law is in regard to the ordinary contracts and transactions of men with each other, and the sooner the ordinary rules of law are reduced to a statute the better it will be for Montana, whether existing as a territory or a state.

Your petitioner prays that a commission to codify and revise the laws and statutes be appointed by an act of the legislative assembly under such provisions as may seem proper to your honorable bodies.

Montana Bar Association,

F. W. COLE,  
JOHN B. CLAYBERG,  
W. E. CULLEN,  
HENRY N. BLAKE,  
WM. H. DEWITT,

Committee on Jurisprudence and Reform.

Report placed on file.

#### NOTICES OF INTRODUCTION OF BILLS.

By Brown—A bill for an act amending section 1121, fifth division, compiled statutes of Montana, relating to gates and bars.

#### INTRODUCTION OF BILLS.

By Kennedy—Council bill No. 30, concerning roads and highways.

Read first and second times and referred to the committee on printing.

Brown, by leave, presented the following report:

*Mr. President:* Your committee on judiciary, to whom was referred housebill No. 4, relating to the transfer of certain moneys to the general fund, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do not pass.

House bill No. 4 was placed on general orders.

Also, *Mr. President:* Your committee on judiciary, to whom was referred councilbill No. 20, relating to the formation of the jury, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

Council bill No. 20 was placed on general order.

Also, *Mr. President:* Your committee on judiciary, to whom was referred council bill No. 19, relating to vagrants, for consideration and amendment, beg leave to report the same back with the amendments annexed to the said bill, and that it do pass as amended.

On motion of Kennedy, the report of the judiciary committee was amended to read: "That the following section be added, section 2."

On motion of Kennedy, the report as amended was adopted with amendments, and council bill No. 19 as amended placed on general orders.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 5, 1889.

*Mr. President:* I am instructed to inform your honorable body that the following notice of bill was given:

By Hunt—A bill for an act to provide for a commission to revise and codify the laws of Montana, defining the duties of such commission and fixing the commissioners' salaries.

The following bills were introduced:

By Flowers—House bill No. 19, entitled, "An act to amend section 228 of the code of civil procedure."

Ordered printed.

By Hunt—House bill No. 20, an act to protect the owners of bottles, boxes and ciphons used in the sale of soda waters, mineral or aerated waters, cider, ginger ale, or other aerated non-intoxicating beverages.

Ordered printed.

Also, to transmit to your honorable body house bill No. 10, which passed the house by the following vote:

Ayes—21.

Nays—none.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

House bill No. 10 was read first and second times and referred to committee on judiciary.

At 4:20 p. m., on motion of Hatch, the council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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## TWENTY-FOURTH DAY—WEDNESDAY.

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COUNCIL CHAMBER,  
Helena, Montana, February 6, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called, and the following members answered to their names:

Messrs. Brown, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—11.

Absent—Bickford.

The chaplain was excused from attendance for this day.

On motion of Kennedy, Bickford was granted leave of absence for one day.

Journal of yesterday was read and approved.



## PETITIONS.

By Kennedy—A petition of 114 citizens of Meagher county asking that the so-called Australian election bill become a law of this territory.

Referred to committee on elections.

By Middleton—A petition of 38 citizens of Custer county asking the passage of a law compelling saloons and gambling houses to close from 12 p. m. Saturday night to 12 p. m. Sunday night.

Referred to committee on territorial affairs.

By Olds—A petition of 17 citizens of Montana and Barker mining districts, in Meagher county, asking to be attached to Cascade county.

Referred to a special committee, consisting of Hoffman and Collins.

## REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:*

Your committee on engrossment, to whom was referred council bill No. 1, entitled a bill for an act to establish a territorial board of inspection for steam boilers, and for the examination and licensing of stationary engineers, beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 1 was passed to third reading.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 5, 1889.

*Mr. President:*

I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Roberts—A bill for an act to amend section 1004 of chapter 58, fifth division, of the compiled statutes of Montana.

By Jones—A bill to amend section 24 of chapter 13, criminal laws, to provide for the punishment of minors frequenting saloons.

Also, that the following bills were introduced:

By Haskell—House bill No. 21, entitled, "An act to create a territorial board of examiners and prescribing its duties."

Ordered printed.

By Murray—House bill No. 22, "An act to establish a hospital for the insane."

Ordered printed.

Also, to return to your honorable body council bill No. 4, which has passed the house by the following vote:

Ayes—19.

Nays—3.

Absent—1.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

#### THIRD READING OF BILLS.

Council bill No. 1, to establish a territorial board of inspection for steam boilers, etc.

Was read the third time.

On motion of Middleton, unanimous consent was given to strike out the last five lines of section 1.

The bill was re-referred to the committee on engrossment.

Collins was granted indefinite leave of absence on account of sickness in his family.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Kennedy in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Mr. Kennedy made the following report:

*Mr. President:*

Your committee of the whole respectfully report that after having considered council bill No. 19, to amend section 212, first division compiled statutes, relating to vagrants, the same is reported back with the recommendation that the bill do pass.

Also, after consideration of council bill No. 20, to amend section 255, first division compiled statutes, relating to the forma-

tion of the jury, your committee recommend its amendment by striking out of lines 48 and 49 (line 37, printed bill) the words "unless the parties consent to a less number," and inserting in line 49, after the word "parties" the words "to any civil suit, or in cases of misdemeanor," and that, as amended, the bill do pass.

Also, your committee having examined house bill No. 4, to provide for the transfer of certain money to the general fund, report it back with the recommendation that the bill do not pass.

On motion of Thompson of Deer Lodge the report of the committee of the whole was adopted.

Council bills No. 19 and 20 were ordered engrossed.

House bill No. 4 was placed on calendar for third reading of house bills.

At 12:05 m., on motion of Conrad, the council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called, quorum present.

#### PETITIONS.

By Kennedy—A petition from 43 citizens of Glendive and vicinity for passage of council bill No. 8.

Referred to committee on elections.

#### REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:*

Your committee on engrossment, to whom was re-referred council bill No. 1, entitled "An act to establish a territorial board of inspectors for steam boilers and for the examination and licensing of stationary engineers."

Also, council bill No. 17, entitled "An act to amend section 1307, fifth division of compiled statutes, relating to the time when acts of the legislature shall take effect," beg leave to report that we have examined the same and find them correctly engrossed.

Council bills Nos. 1 and 17 were passed to third reading.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on printing beg leave to report that they have examined council bill No. 26, entitled, "An act to prohibit certain games and fixing penalties for violation thereof," and find the same correctly printed.

Council bill No. 26 was referred to committee on ways and means.

By Thompson of Deer Lodge:

*Mr. President:* Your special committee to whom was referred council bill No. 25, entitled, "An act to define and establish the eastern boundary of Deer Lodge county," beg leave to report having had the same under consideration and report the bill back with the recommendation that the same be referred to the committee on towns and counties per further consideration.

Council bill No. 25 was referred to committee on towns and counties.

#### INTRODUCTION OF BILLS.

By Brown—Council bill No. 31, a bill for an act to amend section 1121 of the compiled statutes of Montana, fifth division, relating to gates and bars.

Read first and second times and referred to committee on printing.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 6, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Congdon—A bill for an act to amend chapter 22, fifth division of the compiled statutes of Montana, and the amendments thereto, approved September 14, 1887.

By Joslyn—A bill for the suppression of lottery schemes.

Also, that the following bills were introduced:

By Blakely—House bill No. 23, an act to provide for the appointment and pay of probate clerks.

Ordered printed.

By Roberts—House bill No. 24, an act to amend section 1004 of chapter 58 of the compiled statutes of Montana.

By Jones—House bill No. 25, an act to amend section 241, chapter 1, fourth division of criminal laws.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

#### THIRD READING OF HOUSE BILLS.

House bill No. 4, an act to provide for the transfer of certain moneys to the general fund.

On motion of Middleton, consideration of the bill was indefinitely postponed.

On motion of Middleton, the vote just had was reconsidered.

House bill No. 4 was read the third time and lost by the following vote:

Ayes—None.

Noes—Messrs. Brown, Conrad, Hatch, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—10.

Absent—Messrs. Bickford and Collins—2.

#### THIRD READING OF COUNCIL BILLS.

Council bill No. 1, to establish a territorial board of inspectors of steam boilers and for the examination and licensing of stationary engineers, was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Conrad, Hatch, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.

Noes—none.

Absent—Messrs. Bickford and Collins—2.

On motion of Kennedy, the title was amended by striking out the word "stationary."

Title as amended agreed to.

Council bill No. 17, relating to the time when acts of the legislature shall take effect, was read the third time and passed by the following vote:

Ayes—Messrs. Brown, Conrad, Hatch, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.



Nays—none.

Absent—Messrs. Bickford and Collins—2.

Title agreed to.

On motion of Kennedy general orders were dispensed with.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, February 6, 1889.

*To the Honorable Legislative Council:*

The term for which Dr. Herbert Holloway was commissioned veterinary surgeon for the territory of Montana expires on to-morrow, the seventh day of this month. I now nominate him for the advice and consent of your honorable body to fill that office the ensuing term.

Respectfully,  
PRESTON H. LESLIE.

On motion of Kennedy, the nomination was referred to the committee on grazing and stock raising.

On motion of Kennedy, at 2:35 p. m., the council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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TWENTY-FIFTH DAY—THURSDAY.

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COUNCIL CHAMBER,  
Helena, Montana, February 7, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—and members all found present except Collins.

Prayer by the chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Kennedy—A petition from 214 citizens of Silver Bow county asking for the passage of council bill No. 8, relating to elections.

Referred to committee on elections.

By Olds—A remonstrance from 82 citizens of Madison county against division of that county.

Referred to special committee consisting of Olds and Hoffman.

## REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council bill No. 6, relating to the boundaries of Beaverhead and other counties was presented to the governor for his consideration at 3:30 p. m., February 6, 1889.

On motion of Conrad, general orders were passed.

At 10:30 a. m. council took a recess for ten minutes.

Council resumed.

Mr. President in the chair.

## REPORTS OF STANDING COMMITTEES.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means, to whom was referred council bill No. 26, prohibiting certain gambling games and fixing penalties for the violation thereof, beg leave to report, that after examining the same they recommend it back without amendments and recommend that it do pass.

Council bill No. 26 was placed on general orders.

Kennedy, by leave, introduced council joint resolution No. 9, relating to adjournment.

Read first and second times.

Rules suspended.

The resolution was read the third time and passed by the following vote:

Ayes—Brown, Conrad, Hoffman, Hatch, Kennedy, Olds and Mr. President—7.

Noes—Thompson of Deer Lodge, Thompson of Silver Bow—2.

Absent—Bickford, Collins and Middleton—3.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 7, 1889.

*Mr. President:* I am instructed to transmit to your honorable body house joint resolution No. 5, for the relief of A. C. Logan, J. H. Meyers and R. H. Howey, members of the school text book commission, which passed the house under a suspension of the rules, by the following vote:

Ayes—22.

Noes—1.

Also, to return to you council bill No. 15, which passed the house by an unanimous vote.

Respectfully,  
BENJ. WEBSTER, Chief Clerk.

House joint resolution No. 5 was read first and second times and referred to committee on education and labor.

GENERAL ORDERS.

The council resolved itself into committee of the whole.

Mr. Olds in the chair.

Council resumed.

Mr. President in the chair.

Mr. Olds was granted time to make his report.

On motion of Kennedy, at 12:20 p. m. the council took a recess until 2 p. m.

AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

Mr. Olds, chairman of the committee of the whole, made the following report:

*Mr. President:* Your committee of the whole respectfully report that after having considered council bill No. 26, "A bill for an act to prohibit certain gambling games and fixing penalties for violation thereof, the same is reported back with the recommendation that the amendments annexed to the bill and herewith returned be adopted, and that, as amended, the bill do pass.

On motion of Thompson of Silver Bow, the report and amendments were adopted.

Bill ordered engrossed.

#### PETITIONS.

By Kennedy—A petition of 101 citizens of Wickes and 106 citizens of Fergus county asking for the passage of council bill No. 8.

Referred to committee on elections.

#### REPORTS OF STANDING COMMITTEES.

By Hoffman.

*Mr. President:* Your committee on education and labor, to whom was referred the report of the text book commission, as required in section 193, 1939 and 1940 of the school law of Montana, beg leave to report that they have had the same under consideration and respectfully submit the following:

Your committee recognize the necessity which exists for a change in the present series of text books now in use in the territory and believing the suggestions of the said text book commission in general, as to the particular series of text books now adopted are for the best interests of education in the territory, recommend the adoption of the said report with the following exceptions:

Strike out Greene's elementary grammar and Shoup's speller and insert Barnes' No. 1 language lessons.

Report placed on general orders.

#### INTRODUCTION OF BILLS.

By Bickford—Council bill No. 32, a bill for an act entitled "An act to amend section 1305, of the fifth division of the compiled statutes of Montana, relating to exemptions from jury duty."

Read first and second times and referred to committee on printing.

Also, council bill No. 33, a bill for an act to amend sections 898 and 900 of the fifth division of compiled statutes of Montana, relating to duties of county surveyors.

Read first and second times and referred to committee or printing.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 7, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Moore—A bill entitled an act to repeal all laws relating to the creating of a school text-book commission.

By Murray—A bill for an act to prohibit gambling.

Also, that council concurrent resolution No. 9 was read first and second times and laid on the table.

Also, to return to your honorable body council joint memorial No. 7, relating to the sale of mineral lands to aliens, which, with amendments herewith transmitted, passed the house by an unanimous vote.

Also, council bill No. 11, relating to county attorneys, which, with the amendments herewith transmitted, passed the house by the following vote:

Ayes—16.

Noes—7.

I am also instructed to inform you that the following bill was introduced:

By Congdon—House bill No. 26, entitled "A bill for an act to amend chapter 22, fifth division of the compiled statutes of Montana," and the amendments thereto, approved September 14, 1887.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

On motion of Middleton council bill No. 11, with amendments, was passed to general orders.

Council joint memorial No. 7 relating to sale of mineral lands.

On motion of Thompson of Deer Lodge council concurred in house amendments.

Ordered enrolled.



## GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Mr. Hatch made the following report:

*Mr. President:* Your committee of the whole respectfully report that the report of the committee on education and labor, upon the report of the text book commission, is recommended to be placed on file.

That council bill No. 11, with the house amendments, hereby having been considered, the same is reported back with the recommendation that the house amendments to the bill be concurred in.

On motion of Thompson of Deer Lodge the report of the committee was adopted.

Amendments of house to council bill No. 11 were concurred in.

Report of committee on education and labor was placed on file.

Council bill No. 11, as amended, was ordered enrolled.

On motion of Middleton, at 3 p. m. council took a recess for 15 minutes.

Council resumed at 3:20 p. m.

Mr. President in the chair.

Leave of absence was granted to Thompson of Silver Bow, Olds, Middleton, Hoffman and the special committee to inspect the insane asylum and penitentiary until Monday next.

Thompson of Deer Lodge, by leave, made the following report:

*Mr. President:* Your committee on engrossment, to whom was referred council bill No. 26, entitled an act to prohibit certain gambling games, and fixing penalties for violation thereof, beg leave to report that they have examined the same and find it correctly engrossed.

On motion of Thompson of Deer Lodge, the rules were suspended.

Council bill No. 26 was read the third time and passed by the following vote:

Ayes—Brown, Conrad, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—9.

Noes—Bickford and Kennedy—2.

Absent—Collins.

On motion of Thompson of Deer Lodge, the council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## TWENTY-SIXTH DAY—FRIDAY.

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COUNCIL CHAMBER,

Helena, Montana, February 8, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—no quorum present.

On motion of Olds the council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## TWENTY-SEVENTH DAY—SATURDAY.

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COUNCIL CHAMBER,

Helena, Montana, February 9, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—no quorum present.

On motion of Brown the council adjourned until Monday next at 10 o'clock a. m.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

## TWENTY-NINTH DAY—MONDAY.

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COUNCIL CHAMBER,  
Helena, Montana, February 11, 1889.

Council met at 10 o'clock a. m.

Olds in the chair.

Roll called—no quorum being present.

On motion of Bickford council took a recess until 2 o'clock p. m.

## AFTERNOON SESSION.

Council met at 2 o'clock p. m.

Mr. President in the chair.

Roll called and the following members found present:

Brown, Bickford, Conrad, Hoffman, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—10.

Absent—Collins and Middleton—2.

Prayer by the chaplain.

The journal of the 25th, 26th and 27th days was read and approved.

On motion of Hatch, Middleton was granted leave of absence for this afternoon.

## PETITIONS.

By Kennedy—A petition of 27 citizens of Butte City and 56 citizens of Madison county for passage of council bill No. 8.

Referred to committee on elections.

By Bickford—A petition of 282 citizens of Missoula county, asking that saloons and gambling houses be closed Saturday night at 12 p. m. until Sunday night at 12 p. m.

Referred to committee on education and labor.

## REPORTS OF STANDING COMMITTEES.

By Hoffman:

*Mr. President:* Your committee on education and labor, to whom was referred house joint resolution No. 5, beg leave to report the same back, and recommend that it do pass.

House joint resolution No. 5 was passed to general orders.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on printing beg leave to report that they have examined council bill No. 28, an act regulating the taking up and care of estray animals, and find the same correctly printed.

Also, council bill No. 27, a bill for an act repealing sections 1657, 1658, 1659, 1660, 1661, 1662, 1663 and 1664, of the compiled statutes of Montana, fifth division, relating to the rights of parties occupying the public domain.

Council bill No. 29, a bill for an act to regulate printing and the purchase of blank books and stationery in the several counties of Montana territory.

Council bill No. 31, an act to amend section 1121, compiled statutes of Montana, relating to gates and bars.

Council bill No. 32, an act to amend section 1305, fifth division of compiled statutes of Montana, relating to exemptions to jury duty.

Council bill No. 33, a bill for an act to amend sections 898 and 900, fifth division, compiled statutes, relating to duties of county surveyors.

Council bill No. 28 was referred to committee on grazing and stock raising.

Council bill No. 27 was referred to committee on public lands.

Council bill No. 29 was referred to committee on printing.

Council bill No. 32 was referred to committee on judiciary.

Council bill No. 33 was referred to committee on federal relations.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred council bill No. 19, entitled "An act to amend sections 242 and 246, fourth division criminal laws of Montana,

relating to vagrants and the punishment thereof," and council bill No. 20, entitled "An act to amend section 255 of first division, relating the formation of the jury," beg leave to report that they have examined the same and find them correctly engrossed.

Council bills No. 19 and 20 were passed to third reading.

#### NOTICES OF INTRODUCTION OF BILLS.

By Brown—A bill in relation to county commissioners providing for a book for "road docket" and defining the county recorder's duties in relation thereto.

#### RESOLUTION.

By Bickford—Whereas, in the accidents of life it has pleased Almighty God to remove from active every day life Hon. Washington J. McCormick, of Missoula, Missoula county, Montana, and desirous of showing our respect for his memory, it is proper for this legislative assembly to notice briefly his career in Montana and to pass resolutions of condolence to his afflicted family.

He was a native of the state of Indiana. His education was acquired in the common schools of his state, and graduated at the Asbury University of Greencastle, studied law, and was admitted to the bar in 1857.

His impulses were for an active life, therefore he came West, and in 1863 settled in Montana, and ever since has been one of its most intelligent and active citizens.

In 1868 he settled in the village of Missoula and there practiced law, and in 1875, 1877 and 1878 was elected a member of the legislative assembly of Montana, and in 1883 was elected as a member of the constitutional convention of Montana, and was one of its most active and influential members at its session in January and February, 1884.

He married in 1869 and leaves a widow and seven children to mourn his loss. Therefore, in view of the foregoing facts, and to perpetuate the memory of one who has done so much for our commonwealth, and having done his full duty as a citizen, a law-maker and member of the constitutional convention of Montana, it is but meet and proper that this legislative body should acknowledge their appreciation of his services and extend to his bereaved family their sympathy, and therefore be it

*Resolved*, That the territory of Montana has sustained a great loss in the death of Hon. Washington J. McCormick.

Second, That the personal sympathy of the members of this



legislative assembly are hereby extended to his widow and orphaned children for the great loss they have sustained in the death of their head and protector.

Third, That the clerk of the council be, and is hereby instructed to enter this preamble and these resolutions on our journal and to transmit a certified copy of the same to the bereaved widow of Hon. Washington J. McCormick, late member of several legislative assemblies of Montana..

On motion of Bickford the same was adopted by unanimous vote.

By Cole—Council concurrent resolution No. 10, relative to adjournment sine die on February 25th inst.

Read first and second times and referred to committee on ways and means.

#### MESSAGE FROM THE HOUSE.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notice of a bill was given:

By Hunt—A bill for an act to amend section 4 of an act concerning stenographers of the district court.

Also, that the following bills were introduced:

By Hunt—House bill No. 27, "An act relating to county treasurers.

Ordered printed.

By Moore—House bill No. 28, "An act to repeal all laws relating to the creating of a text book commission."

Ordered printed.

#### AFTERNOON SESSION.

*Mr. President:* I am instructed by the house to inform your honorable body that council bill No. 16, herewith returned, was lost.

Ayes—0.

Noes—17.

Absent—6.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

## THIRD READING OF COUNCIL BILLS.

Council bill No. 19, "A bill for an act to amend section 242 fourth division of compiled statutes of Montana, relating to vagrants," was read the third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hoffman, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—10.

Noes—None.

Absent—Collins and Middleton—2.

Title agreed to.

Council bill No. 20, "A bill for an act to amend section 255, first division compiled statutes of Montana, relating to formation of the jury," was read the third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hoffman, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.

Noes—none.

Absent—Collins and Middleton—2.

Title agreed to.

## GENERAL ORDERS.

The council resolved itself into committee of the whole.

Bickford in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Bickford made the following report:

*Mr. President:* Your committee of the whole respectfully report that after having considered house joint resolution No. 5, for the relief of A. L. Logan, R. H. Howey and J. H. Meyers, members of the territorial text-book commission, the committee do recommend that the same do pass.

On motion of Thompson of Deer Lodge, the report was adopted.

House joint resolution No. 5 was passed to third reading.

On motion of Hatch, at 3:15 p. m., the council adjourned until to-morrow.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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### THIRTIETH DAY—TUESDAY.

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COUNCIL CHAMBER,

Helena, Montana, February 12, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—and members of the council all found present.

Prayer by the chaplain.

Journal of yesterday read and approved.

#### PETITIONS.

By Kennedy—A petition asking passage of council bill No. 8, from 68 citizens of Choteau and Cascade counties.

Referred to committee on elections.

A memorial from the ladies relief committee asking the establishment of a reform school in Montana territory.

Referred to committee on education and labor.

#### REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee of enrollment to which was referred council bill No. 4, concerning the admission of women to practice as attorneys of the law; council bill No. 11, relating to county attorneys; council bill No. 15, relating to police magistrates; council joint memorial No. 7, relating to the sale of mineral lands to aliens, beg leave to report the same as correctly enrolled.

By Thompson of Silver Bow:

*Mr. President:* Your committee on public lands, having examined council bill No. 27, "An act repealing sections 1657, 1658, 1659, 1660, 1661, 1662, 1663 and 1664, of the compiled

statutes of Montana territory, fifth division, relating to the rights of parties occupying the public domain," and recommend that it do pass.

Council bill No. 27 was passed to general orders.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means having examined council concurrent resolution No. 10, for adjournment sine die February 25th, 1889, respectfully report it back with the recommendation of a majority of your committee that it do pass.

Council concurrent resolution No. 10 was passed to general orders.

By Hatch:

*Mr. President:* Your committee herewith transmit house bill No 3 after having examined the same, the majority of your committee recommend the passage of the bill without amendment.

HATCH,  
THOMPSON of Silver Bow,  
Majority committee on territorial affairs.

House bill No. 3 passed to general orders.

By Conrad:

*Mr. President:* Your committee on grazing and stock raising, to whom was referred communication of his excellency, Preston H. Leslie, governor, herewith return the same with the recommendation that the nomination therein made be confirmed, and for consideration in executive session.

Passed to unfinished business.

Middleton, by leave, brought to the attention of the council a communication from Hon. J. K. Toole, to the chief clerk of the council, relating to the introduction of a bill in congress providing for ceding to the territory of Montana of the Fort Ellis military reservation.

Bickford moved to refer the matter to judiciary committee to report what action is expedient to be taken by the legislature.

Middleton moves as an amendment to pass it to general orders.

Amendment lost.

The original motion was carried and matter referred to the judiciary committee.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 11, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Willis: "A bill to amend an act relating to licenses of retail liquor sellers."

By Hunt: "A bill for an act concerning mortgage, trust, safe deposit and security associations."

Also, to transmit to you house bill No. 12, enabling certain cities and towns to incur indebtedness, which passed the house by the following vote:

Ayes—17.

Noes—2.

Absent—4.

Also, to return to you council bill No. 17, with amendments, which as amended passed the house by the following vote:

Ayes—19.

Noes—0.

Absent—4.

Also, to inform you that council bill No. 13, with amendments, was indefinitely postponed by the following vote:

Ayes—15.

Noes—4.

But that a motion will be made Feb. 12, at 3 o'clock p. m., to reconsider the vote by which the bill was postponed.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

House bill No. 12 was read first and second times and referred to committee on towns and counties.

Council bill No. 17, with amendments, was passed to general orders.

## THIRD READING OF HOUSE BILLS.

House joint resolution No. 5, for the relief of A. C. Logan, J. H. Myers and R. H. Howey, members of the school text book



commission, was read the third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Nays—none.

Title agreed to.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, February 8, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have this day approved and signed the bill which originated in your body, and is numbered 6, entitled "An act to permanently fix and determine certain boundary lines and corners between Deer Lodge, Missoula, Silver Bow and Beaverhead counties, and to provide for the appointment of commissions to determine the same.

Respectfully,

PRESTON H. LESLIE.

GENERAL ORDERS.

The council resolved itself into committee of the whole.

Kennedy in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Kennedy, from committee of the whole, reported that they had had under consideration house bill No. 8, reported progress and asked leave to sit again.

Report adopted.

Mr. President announced the signing of council bills No. 4, 15 and 11, and council joint memorial No. 7.

On motion of Bickford, at 12 m., the council took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Council resumed at 2 p. m.

Mr. President in the chair.

Roll called—quorum present.

REPORT OF STANDING COMMITTEE.

By Brown:

*Mr. President:* Your committee on agriculture and manufactures, to whom was referred council bill No. 31, relating to gates and bars, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do pass.

Council bill No. 31 was passed to general orders.

GENERAL ORDERS.

The council resolved itself into committee of the whole.

Kennedy in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 12, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following bills were introduced:

By Hunt—House bill No. 29, entitled, "An act concerning mortgage, trust, safe deposit and security associations."

Ordered printed.

By Willis—House bill No. 30, entitled "An act to amend section 1346, of the fifth division code of general laws, compiled statutes of Montana, relating to the licensing of retail liquor sellers."

Ordered printed.

By Davis (without previous notice.)—House bill No. 31, "An act to repeal section 206, chapter 11, compiled statutes of the territory of Montana."

Ordered printed.

By Congdon (without previous notice)—House bill No. 32,

"An act concerning married women and repealing sections 1440, 1441, 1443, 1445 and 1448, of chapter 86, compiled statutes of Montana."

Ordered printed.

Also, that the house has received four petitions of 98 names in all from the citizens of Madison county, that a portion of that county be attached to Gallitan county, that the same were referred to committee on towns, counties and highways and upon their report will be transmitted to your honorable body.

BENJ. WEBSTER, Chief Clerk.

Kennedy, from committee of the whole, made the following report:

*Mr. President:* Your committee of the whole respectfully report that after consideration of house bill No. 8, to provide for payment of bounties for killing certain stock-destroying animals, the same is reported back with the recommendation that the bill and amendments be referred to a special committee, with instructions to report at the next session of the council.

On motion of Middleton, the report was adopted.

Mr. President appointed as such committee Messrs. Middleton, Collins and Hatch.

On motion of Conrad, at 4:30 p. m. the council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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### THIRTY-FIRST DAY—WEDNESDAY.

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COUNCIL CHAMBER,  
Helena, Montana, February 13, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and members of the council all found present.

Prayer by the chaplain.

Journal of yesterday was read and approved.

#### PETITIONS.

By Kennedy—A petition from 210 citizens of Lewis and

Clarke county for passage of council bill No. 8.

Referred to committee on elections.

REPORTS OF STANDING COMMITTEES.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred council bill No. 32, relating to exemptions from jury duty, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do pass.

Council bill No. 32 was passed to general orders.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred house bill No. 12, relating to certain cities and towns incurring indebtedness, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do pass.

House bill No. 12 was placed on general orders.

By Kennedy:

*Mr. President:* Your joint committee on enrollment beg leave to report that council bill No. 4, concerning the admission of women to the practice of the law; council bill No. 11, concerning county attorneys, and council bill No. 15, providing for justices of the peace acting as police magistrates under certain circumstances, were handed to the governor for his consideration at 4:50 p. m., February 12, 1889.

By Collins:

*Mr. President:* Your committee on printing, to whom was referred council bill No. 29, an act to regulate printing and the purchasing of blank books and stationery in the several counties of the territory, beg leave to report the same back with the recommendation that it do pass with the following amendments.

Amend section 1, line 55 of engrossed bill by inserting the words "and perforated" after the word "bound."

Amend section 4, line 6, of engrossed bill, by striking out the word "printed" and inserting in lieu thereof the word "furnished."

In same section, line 12, strike out the word "result" and substitute in lieu thereof the word "record."

Council bill No. 29 and amendments were passed to general orders.

## REPORT OF SPECIAL COMMITTEE.

By Middleton:

*Mr. President:* Your select committee, to whom was referred house bill No. 8, together with the amendments adopted by the committee of the whole, beg leave to report that they have examined the same, and report the bill back with the recommendation that the bill as amended by the committee of the whole do pass with the amendment annexed to the bill.

House bill No. 8 with amendments placed on general orders.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 12, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the motion to reconsider the vote by which council bill No. 13 was indefinitely postponed was lost by the following vote:

Ayes—11.

Noes—13.

I am also instructed to inform you that Hon. F. S. Whitney has presented his certificate of election, taken the oath, and has taken his seat.

BENJAMIN WEBSTER, Chief Clerk.

## GENERAL ORDERS.

The council resolved itself into committee of the whole.

Kennedy in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Kennedy made the following report:

*Mr. President:* I am instructed by the committee of the whole to report that the following bills have been considered.

Council bill No. 27, repealing sections 1657 to 1664, fifth division compiled statutes, relating to rights of persons occupying the public domain, which the committee recommend do not pass.



Also, council concurrent resolution No. 10, that the legislature adjourn sine die on February 25th, 1889, at noon, which is recommended to be made the special order of Monday next at 2:30 o'clock p. m.

Also, house bill No. 8, for payment of bounty for killing certain stock destroying animals, with amendments reported by the special committee of which your committee recommends the adoption and the passage of the bill as amended.

On motion of Middleton the report of the committee was adopted by the following vote:

Ayes—Bickford, Conrad, Collins, Hatch, Middleton, Thompson of Silver Bow and Mr. President—7.

Noes.—Brown, Hoffman, Kennedy, Olds and Thompson of Deer Lodge—5.

On motion of Middleton council bill No. 27 was indefinitely postponed.

Council concurrent resolution No. 10 was made the special order on Monday next at 2:30 o'clock p. m.

House bill No. 8 was referred to committee on engrossment, with instructions to engross the amendments.

On motion of Conrad at 12 m. council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

By Kennedy—Petitions from 27 citizens of Blackfoot City, of citizens of Philipsburg, the citizens of Washington Gulch and 9 citizens of Elliston, in Deer Lodge county, asking passage of council bill No. 8.

Referred to committee on elections.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 13, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that Haskell, without previous notice, introduced house joint resolution No. 6, authorizing the publication of an official map of the territory of Montana, which was referred to committee on election and territorial affairs.

Also, that without previous notice, Comfort introduced house bill No. 33, "An act to prevent swine from running at large."

Also, that the select committee appointed to confer with a committee of the council having a law under consideration relating to the practice of medicine, have introduced a bill as a substitute for house bill No. 6.

BENJAMIN WEBSTER, Chief Clerk.

NOTICES OF INTRODUCTION OF BILLS.

By Thompson of Deer Lodge:

A bill for an act to amend section 604, of the fifth division of the compiled statutes of Montana, relating to assessment life insurance companies.

Also, a bill for an act to amend sections 2031, 2032, 2033, 2034, 2037 and 2038 fifth division of the compiled statutes of Montana, relating to town and village sites and plats.

Also, a bill for an act to establish a series of text books in the public schools of Montana territory.

Also, a bill for an act providing for the preparation of county maps.

Brown by leave made the following report:

*Mr. President:* Your judiciary committee, to whom was referred communication from Hon. J. K. Toole, enclosing house resolution 12,148, the same being a bill introduced by our said delegate in congress, in the house of representatives of the United States, on January 14, 1889, to grant to the territory of Montana the abandoned Fort Ellis military reservation in said territory for educational purposes, have the honor to report that they have had the same under consideration and recommend, with reference thereto, the following joint memorial to be telegraphed to the Hon. J. K. Toole, our delegate, now at Washington, D. C.

Brown, by leave, introduced council joint memorial No. 11, relating to the Fort Ellis military reservation.

Read first and second times.

Rules suspended.

Read the third time and passed by the following vote.

Ayes—Messrs. Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

Title agreed to.

## GENERAL ORDERS.

Council resolved itself into a committee of the whole.

Kennedy in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

At 3:40 p. m. on motion of Mr. Thompson of Deer Lodge, a recess of 10 minutes was taken.

Council resumed at 3:50 p. m.

Mr. President in the chair.

Kennedy made the following report:

*Mr. President:* Your committee of the whole respectfully report consideration of house bill No. 3, providing for better protection of game and fish and for creation of the office of game and fish warden, and report the same back with the amendments annexed and recommending the adoption of the amendments, and passage of the bill as amended.

Also, house amendments to council bill No. 17, relating to the time when acts and joint resolutions shall take effect which your committee recommend be not concurred in, and that a conference committee therein be asked for.

Also, council bill No. 31, for relation to gates and bars which the committee recommend be amended as follows:

Insert after the word "premises" in line 5, section 1, (printed bill) the words "owned or occupied by another."

Strike out sections 2 and 3, and that, as amended, the bill do pass.

On motion of Kennedy the report was adopted.

House bill No. 3, as amended, was referred to committee on engrossment.

Council bill No. 31 was referred to committee on engrossment.

Mr. President appointed as committee on conference on house amendments to council bill No. 17, Middleton, Brown and Bickford.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,

Helena, Montana, February 13, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have on this day ap-

proved and signed bills originating in your body, as follows:

Council bill No. 11, entitled "An act to amend section 825 of chapter 64, fifth division of compiled statutes, relating to county attorneys," and to repeal an act entitled "An act relating to county attorneys," approved September 14, 1887.

Council bill No. 4, entitled "An act to amend section 100, chapter 9, of the fifth division of the compiled laws of Montana, relating to admitting to practice attorneys-at-law."

Council bill No. 15, entitled "An act relating to the office of police magistrate in incorporated towns and cities."

Respectfully,

P. H. LESLIE.

REPORT OF STANDING COMMITTEE.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom were referred amendments to house bill No. 8, entitled "An act to provide for the payment of bounties for the killing of certain stock destroying animals," beg leave to report that they have examined the same and find it correctly engrossed.

House bill No. 8 was passed to third reading of house bills.

On motion of Kennedy council went into executive session.

Council resumed.

Mr. President in the chair.

Mr. President announced that the council had failed to confirm the appointment of Dr. Herbert Holloway as veterinary surgeon.

At 5:15 p. m., on motion of Brown, the council adjourned until to-morrow.

JOHN R. EARDLEY, Chief Clerk.

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THIRTY-SECOND DAY—THURSDAY.

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COUNCIL CHAMBER,

Helena, Montana, February 14, 1889.

Council met at 10 o'clock p. m.

Mr. President in the chair.

Roll called, and members all found present except Hoffman.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Olds, Hoffman was granted leave of absence for to-day.

#### PETITIONS.

By Kennedy—Petitions of 99 citizens of Montana, to-wit: 27 from Meadow Creek, 10 from Howard, 3 from Montana, 18 from Bonita, 29 from Three Forks, and 12 from Bozeman, praying for passage of council bill No. 8.

Referred to committee on elections.

#### REPORTS OF STANLING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house joint resolution No. 5, for the relief of members of the school text-book commission, has been correctly enrolled.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred house bill No. 10, providing for the compensation of justices of the peace, beg leave to report that they have had the same under consideration and report it back with the recommendation that section 2 thereof be amended by striking out all that portion of the said section embraced between the word "dollars" in the 18th line of page 3 and the word "dollars" of the 6th and 7th lines of the 4th page of the engrossed copy, and that it do pass as amended.

House bill No. 10 was passed to general orders.

By Hatch:

*Mr. President:* Your committee on territorial affairs, to whom was referred council bill No. 9, an act to establish a territorial board of examiners to regulate the practice of medicine in the territory of Montana, would respectfully report that while considering the same they were instructed to confer with a select committee of the house having a similar bill, viz., house bill No. 6, under consideration.

Your joint committee thus formed considered the bills before



them, and from them formulated a substitute bill, which they have had introduced in the house, with the recommendation that it do pass.

Herewith is transmitted council bill No. 9, with the recommendation that its consideration be deferred, pending action upon the bill introduced by the joint committee.

Report received, and on motion of Hatch council bill No. 9 was laid on the table temporarily.

By Thompson of Silver Bow.

*Mr. President:* Your committee on public lands respectfully report that after consideration of council bill No. 22, relating to protection of cemeteries and the remains of the dead. The committee recommend the adoption of the amendments annexed to the bill and herewith returned, and the passage of the bill as amended.

Council bill No. 22 was placed on general orders.

By Olds:

*Mr. President:* Your committee on incorporations, who have had under consideration council bill No. 23, beg leave to report the same back to the council without recommendation.

Council bill No. 23 was passed to general orders.

#### NOTICES OF INTRODUCTION OF BILLS.

By Olds:

*Mr. President:* I desire to give notice that on to-morrow or some subsequent day I will introduce a bill in relation to the appointment of deputy clerks and recorders for mining districts.

#### INTRODUCTION OF BILLS.

By Brown—Council bill No. 34, a bill for an act requiring county commissioners to provide books for road dockets and defining the county recorder's duties in relation thereto.

Read first and second times and referred to committee on printing.

By Thompson of Deer Lodge—Council bill No. 35, a bill for act to establish a series of text books for the public schools.

Read first and second times and referred to committee on printing.

Also, council bill No. 36, a bill for an act to amend sections

2031, 2032, 2033, 2034, 2037 and 2038, of the fifth division of the compiled statutes of Montana, relating to town and village sites and plats.

Read first and second times and referred to committee on printing.

Also, council bill No. 37, a bill for an act to amend section 604 of the fifth division of the compiled statutes of Montana territory, relating to assessment life insurance companies.

Read first and second times and referred to committee on printing.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 13, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body house bill No. 18, providing for the registration of the names of electors and to prevent fraud at elections, which passed the house by the following vote:

Ayes—22.

Noes—none.

Absent—2.

Also, to return to you council joint memorial No. 11, and to transmit to you house concurrent resolution No. 7, as a substitute therefor, which passed the house by the following vote.

Ayes—22.

Nays—none.

Absent—2.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

House bill No. 18 was read first and second times, and referred to committee on elections.

On motion of Middleton council joint memorial No. 11 and house concurrent resolution No. 7, relating to Fort Ellis military reservation, were laid on the table.

Mr. President announced the signing of house joint resolution No. 5, for relief of text book commission.

At 11:50 a. m. on motion of Thompson of Deer Lodge, council took a recess until 2 p. m.

## AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

## PETITION.

By Thompson of Silver Bow:

A petition of 57 citizens of Beaverhead, Silver Bow and Deer Lodge counties, asking passage of council bill No. 18, relative to fencing railroads.

Referred to committee on immigration.

A message was received from the house without signature of chief clerk.

On motion of Middleton, the chief clerk of the council was instructed to return the message to the house for correction.

## REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred house bill No. 3, entitled "A bill for an act providing for the better protection of game and fish, and for the creation of the office of game and fish warden.

Also, council bill No. 31, entitled "An act to amend section 1121, compiled statutes of Montana, relating to gates and bars, beg leave to report that they have examined the same and find it correctly engrossed.

House bill No. 3 and council bill No. 31 were passed to third reading.

By Bickford:

*Mr. President:* Your committee on federal relations beg leave to report that they have examined council bill No. 33, and return the same with the recommendation that the same do pass with the amendments attached to said bill.

Council bill No. 33 was placed on general orders.

## THIRD READING OF BILLS.

House bill No. 3, "providing for the better protection of game and fish and for the creation of the office of game and fish warden," was read the third time and passed as amended by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, and Mr. President—10.

Noes—Kennedy—1.

Absent—Hoffman—1.

Title agreed to.

Council bill No. 31, relating to gates and bars, was read the third time and passed by the following vote.

Ayes—Brown, Bickford, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Noes—none.

Absent—Hoffman.

Title agreed to.

House bill No. 8, "An act to provide for the payment of bounties for the killing of certain stock destroying animals."

Read the third time and passed as amended by the following vote:

Ayes—Bickford, Conrad, Hatch, Middleton, Thompson of Silver Bow and Mr. President—6.

Noes—Brown, Kennedy, Olds, and Thompson of Deer Lodge.—4.

Absent and not voting—Collins and Hoffman—2.

Collins stated that he was paired with Hoffman who would vote "no" while he would vote "aye."

Title agreed to.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Middleton in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Middleton made the following report:

*Mr. President:* Your committee of the whole respectfully report that council bill No. 32, relating to exemption from jury

duty, having been considered, is reported back with the recommendation that the amendment annexed thereto be adopted, and that the bill as amended do pass.

Kennedy moved that the report be received and the amendment rejected.

Thompson of Deer Lodge, asked for a division of the question.

The report was received.

Upon the motion to reject the amendment the roll was called and the motion lost by the following vote:

Ayes—Bickford, Hatch, Kennedy, Middleton and Thompson of Silver Bow—5.

Noes—Brown, Conrad, Collins, Thompson of Deer Lodge and Mr. President—5.

Absent—Olds and Hoffman—2.

Kennedy moved to re-refer the bill and amendments to the committee of the whole, which was lost by the following vote:

Ayes—Bickford, Kennedy, Middleton and Thompson of Silver Bow—4.

Noes—Brown, Conrad, Collins, Hatch, Thompson of Deer Lodge and Mr. President—6.

Absent—Olds and Hoffman—2.

Kennedy moved to re-refer the bill and amendments to the committee of the whole, which was lost by the following vote.

Ayes—Bickford, Kennedy, Middleton and Thompson of Silver Bow—4.

Noes—Brown, Conrad, Collins, Hatch, Thompson of Deer Lodge and Mr. President—6.

Absent—Olds and Hoffman—2.

On motion of Middleton, at 4 p. m., council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.



## THIRTY-THIRD DAY—FRIDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 15, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and members all found present except Hoffman.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Olds Hoffman was granted indefinite leave of absence.

## PETITIONS.

By Kennedy—A petition from 68 citizens of Custer county asking passage of council bill No. 8.

Referred to committee on elections.

## INTRODUCTION OF BILLS.

By Olds—Council bill No. 38, "A bill for an act to provide for recording mining locations by a district recorder."

Read first and second times and referred to committee on printing.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 14, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the speaker has appointed as a special committee of three to confer with a like committee of the council on council bill No. 17, and house amendments thereto, Messrs. Johnson, Murray and Moore,

Also, that the following bill was introduced by Roberts without previous notice.

House bill No. 34, entitled "A bill for an act to amend sections 1477, 1478, 1479, 1483, 1484, 1485 and 1486 of the fifth division of the compiled laws of Montana, relating to the location and recording of mining claims."

Ordered printed.

Also, to transmit to your honorable body house bill No. 9, relating to the protection of game and fish, which passed the house by the following vote:

Ayes—17.

Noes—6.

Absent—1.

Also, house bill No. 6, which passed the house by the following vote:

Ayes—22.

Noes—1.

Absent—1.

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 9 was read first and second times, and referred to committee on internal improvements.

House bill No. 6, relating to practice of medicine, etc., was read first and second times and placed on general orders.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole for the consideration of general orders.

Thompson of Silver Bow in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Thompson of Silver Bow from committee of the whole was granted further time to report.

Kennedy moved that the council take a recess untill 2 o'clock p. m.

Thompson of Deer Lodge, moved to lay the motion on the table, which was lost.

The motion to take a recess till 2 o'clock p. m. prevailed by the following vote:

Ayes—Bickford, Conrad, Collins, Hatch, Kennedy, Middleton, Thompson of Silver Bow.—7.

Noes—Brown, Olds, Thompson of Deer Lodge, and Mr. President.—4.

Absent—Hoffman.—1.

At 12 m. council took a recess until 2 o'clock, p. m.

#### AFTERNOON SESSION.

Council resumed at 2 p. m.

Mr. President in the chair.

Roli called—quorum present.

Thompson of Silver Bow made the following report:

*Mr. President:* Your committee of the whole respectfully report that house bill No. 12, to amend an act to entitle certain cities and towns to incur indebtedness, having been considered, your committee recommends the adoption of the amendments returned with the bill and that as amended the bill do pass.

Also, that after practical consideration of council bill No. 29, to regulate printing and purchase of blanks, etc., in the several counties, your committee recommend that the bill and amendments be referred back to the committee on printing to amend as suggested by the committee in relation to repealing certain laws now in existence upon same subject.

On motion of Thompson of Deer Lodge the report was adopted.

Council bill No. 29 was referred to committee on printing.

Amendments to house bill No. 12 were ordered engrossed.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Thompson of Silver Bow in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Thompson of Silver Bow made the following report:

*Mr. President:* I am instructed by the committee of the whole to report that the following bills have been considered, viz:

House bill No. 10, to provide for compensation of justices of the peace, of which the committee recommend the passage, after adopting the amendment returned therewith.

Also, council bill No. 22, relating to the protection of cemeteries and the remains of the dead, which is returned with amendments of which your committee recommends the adoption, and that the bill as amended do pass.

On motion of Thompson of Deer Lodge, the report was received.

On motion of Middleton, the amendments to house bill No. 10 were adopted.

On motion of Brown, the amendments to council bill No. 22 were adopted.

Council bill No. 22 and amendments to house bill No. 10 were ordered engrossed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 15, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the house has concurred in the council amendment to house bill No. 3 and house bill No. 8.

Also, that the following notices of bills were given:

By Moore—"A bill entitled an act to amend section 334 of the compiled statutes of Montana, fifth division, relating to printing and posting city ordinances."

By Davis—"A bill for the relief of J. X. Beidler."

By Carver—"An act to amend section 1860 of the fifth division compiled statutes of Montana."

Also, that the following bills were introduced:

By Moore—House bill No. 35, a bill entitled "An act to amend section 334, fifth division, compiled statutes of Montana, relating to printing and posting of city ordinances."

Ordered printed.

By Blakely—House bill No. 36, "An act to change the boundary line between Gallatin and Madison counties."

Ordered printed.

Also, to inform you that house bill No. 28 has been indefinitely postponed.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

At 3:45 p. m. on motion of Kennedy the council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

### THIRTY-FOURTH DAY—SATURDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 16, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and the following members answered to their names: Brown, Bickford, Conrad, Hatch, Hoffman, Kennedy, Middleton, Thompson of Silver Bow and Mr. President.—9.

Absent—Collins, Olds, Thompson of Deer Lodge.—3.

Prayer by the chaplain.

Journal of yesterday was read and approved.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hatch made the following report:

*Mr. President:* Your committee of the whole begs leave to report that after consideration of council bill No. 23, relating to corporations, the same is reported back with the recommendation that it be referred to a special committee for amendment in certain respects.

On motion of Hoffman the report was adopted.

Thompson of Silver Bow moved that the special committee upon council bill No. 23 be composed of five.

Carried.

Mr. President appointed as such committee, Middleton, Bickford, Brown, Hatch and Hoffman.

At 12 m., on motion of Kennedy, council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 3, creating the office of game and fish warden, has been correctly enrolled.

By Middleton:

*Mr. President:* Your committee of conference, to whom was referred council bill No. 17, with the house amendments, beg leave to report that they have had the same under consideration, in connection with a similar committee from the house, and report the same back, stating that the house conference committee have agreed to recommend to the house that it recede from its amendments.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 15, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body house bill No. 25, which passed the house by the following vote:

Ayes—22.

Noes—0.

Absent—2.

Also, to return to you council bill No. 26, with amendments



by the house, which, as amended, passed the house by the following vote:

Ayes—22.

Noes—0.

Absent—2.

Also, to inform you that house bill No. 13, relating to the protection of fish, was lost in the house by a tie vote:

Ayes—11.

Noes—11.

Absent—2.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

Middleton moved that council bill No. 26, be placed on top of general order file.

Bickford moved as an amendment to order the amendments printed.

Upon which the roll was called and the motion lost by the following vote:

Ayes—Bickford, Kennedy.—2.

Noes—Brown, Conrad, Hoffman, Hatch, Middleton, Thompson of Silver Bow and Mr. President.—7.

Absent—Collins, Olds and Thompson of Deer Lodge.—3.

Council bill No. 26 was placed on top of general order file.

House bill No. 25, was read first and second times and referred to committee on judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 16, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following bill was introduced by Hunt. House bill No. 37, entitled, "An act to amend section 4, of an act entitled, 'An act concerning the appointment of stenographers by the district court.'"

Also, to transmit to you house bill No. 15, which passed the house by the following vote:

Ayes—19.

Noes—2.

Absent—3.

Also, to return to you council bill No. 19, which was lost by the following vote:

Ayes—5.

Noes—16.

Absent—3.

Also, to inform your honorable body that a motion to reconsider the vote by which the house concurred in council amendments to house bill No. 8, was made a special order for Wednesday, Feb. 20, at 11 o'clock a. m.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 15, a bill for an act entitled "An act to provide for the organization, regulation and discipline of the national guard of Montana," was taken up.

On motion of Middleton, the rules were suspended.

The bill was read the first and second times by its title and referred to committee on military affairs.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 16, 1889.

*Mr. President:* I am instructed by the house to transmit to you house joint memorial No. 8, which was introduced by Hunt without previous notice, and passed the house by the following vote:

Ayes—21.

Noes—0.

Absent—3.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House joint memorial No. 8, relating to statehood, was read first and second times and referred to committee on territorial affairs.

## GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hatch made the following report.

*Mr. President:* Your committee of the whole respectfully report back house amendments to council bill No. 26, prohibiting certain gambling games and recommend that the amendments be concurred in.

On motion of Middleton the report was adopted and the amendments concurred in council bill No. 26.

Ordered enrolled.

On motion of Hoffman at 3:05 p. m. the council adjourned until Monday next at 10 o'clock a. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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THIRTY-SIXTH DAY—MONDAY.

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COUNCIL CHAMBER,  
Helena, Montana, February 18, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called, and all the members found present except Thompson of Silver Bow.

Prayer by the chaplain.

Journal of thirty-fourth day read and approved.

On motion of Hatch, Thompson of Silver Bow was granted leave of absence for to-day.

## PETITIONS.

By Brown—A petition from the citizens of Beaverhead county

asking for the passage of a bill to close saloons and gambling houses from Saturday at 12 p. m. to Sunday at 12 p. m.

Referred to committee on education and labor.

#### REPORTS OF STANDING COMMITTEES.

By Hatch:

*Mr. President:* Your committee on territorial affairs, to whom was referred house joint memorial No. 8, relating to statehood, herewith transmit it back and recommend its passage.

Hatch moved to suspend the rules and place the memorial on its final passage.

Upon which the roll was called and the motion lost by the following vote:

Ayes—Brown, Hatch, Kennedy, Olds and Mr. President—5.

Noes—Bickford, Conrad, Hoffman and Middleton—4.

Council joint memorial No. 8 was passed to general orders.

#### INTRODUCTION OF BILLS.

By Brown, by leave—Council bill No. 39, a bill for an act to amend section 272, second division compiled statutes of Montana, relative to the probate practice act.

Read first and second times and ordered printed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 16, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the house has refused to accept the recommendation of the special committee of conference in regard to house amendments to council bill No. 17, and adheres to the same.

Also, to transmit to your honorable body house bill No. 24, which passed the house by the following vote:

Ayes—20.

Nays—none.

Absent—4.

Also, to return to you council bill No. 31, which passed the house by the following vote:

Ayes—15.

Nays—5.

Absent—4.

Also, to inform you that a motion to reconsider the vote by which house concurred in council amendments to house bill No. 8, has been made a special order for Wednesday morning next at 11 o'clock a. m.

Respectfully, submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 24, to amend section 1004, chapter 58, compiled statutes of Montana, was read first and second times and referred to the committee on judiciary.

Council bill No. 31, relating to gates and bars, was ordered enrolled.

On house amendments to council bill No. 17, Middleton moved that the house adhere to its former action thereon.

So ordered.

#### GENERAL ORDERS.

Council resolved itself into committee of the whole.

Collins in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Collins, from the committee of the whole, reported progress and asked leave to sit again.

Leave granted.

On motion of Middleton, at 12 m. the council took a recess until 2:30 p. m.

#### AFTERNOON SESSION.

Council met at 2:30 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

## SPECIAL ORDER FOR 2:30 P. M.

Council concurrent resolution No. 10, relating to adjournment sine die on February 25th, 1889.

On motion of Kennedy council resolved itself into committee of the whole to consider special order.

Kennedy in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Kennedy made the following report:

*Mr. President:* Your committee of the whole has had under consideration council concurrent resolution No. 10, and report recommending it be indefinitely postponed.

On motion of Kennedy the report was adopted.

Council concurrent resolution No. 10, was indefinitely postponed.

## REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your committee on internal improvements begs leave to report that house bill No. 9, for the protection of game and fish has been carefully considered and is herewith reported with accompanying amendments, and recommended that as amended it do pass.

On motion of Kennedy the report was adopted and the amendments concurred in.

House bill No. 9, as amended was passed to general orders

By Collins:

*Mr. President:* Your committee on printing desire to report that they have examined council bill No. 34, "A bill for an act requiring the county commissioners to provide books for 'road dockets' and defining the county recorder's duties in relation thereto," and find the same has been correctly printed.

Council bill No. 34 was referred to committee on roads and highways.



## GENERAL ORDERS.

The council resolved itself into committee of the whole.

Collins in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Collins made the following report:

*Mr. President:* Your committee of the whole respectfully report that they have had under consideration council bill No. 33, relating to duties of county surveyors; house bill No. 6, to regulate the practice of medicine, etc.; house joint memorial No. 8, relating to statehood; house bill No. 9, for the better protection of fish and game, and recommend as follows:

That the amendments annexed to council bill No. 33 be adopted, and that as amended the bill do pass.

That house bill No. 6 and house joint memorial No. 8 do pass.

That house bill No. 9 be amended as follows:

Section 1—Line 4, after the word "buffalo" insert the words "or quail."

Section 2—Line 22, strike out the words "less than fifty dollars nor more than" and insert the word "exceeding."

Section 3—Lines 24 and 25, strike out the words "less than thirty days nor." Line 16, insert after the word "stream" the following: "Provided, that each seine or catch net shall have a mesh net less than one inch square."

And that as amended the bill do pass.

Report received.

Council bill No. 33, amendments adopted and bill ordered engrossed.

House bill No. 6 passed to third reading.

House joint memorial No. 8—On motion of Thompson of Deer Lodge, the rules were suspended and the bill placed on its final passage.

Memorial read third time and passed by the following vote:

Ayes—Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Mr. President—6.

Noes—Bickford, Conrad, Collins, Hoffman and Middleton—5.

On motion of Kennedy the amendments to house bill No. 9, reported by committee of the whole, were adopted.

Bickford offered the following amendment to the bill:

Amend section 1 by adding to the section the following:

“The provisions of this section shall not be deemed or held to apply to persons who raise or own buffalo.

On motion of Hoffman the amendment was adopted.

On motion of Kennedy at 4:50 p. m., the council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

### THIRTY-SEVENTH DAY—TUESDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 19, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and the following members found present.

Brown, Bickford, Collins, Hoffman, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.

Absent—Conrad and Hatch—2.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Middleton, leave of absence was granted to Hatch for to-day.

#### REPORTS OF STANDING COMMITTEES.

By Collins:

*Mr. President:* Your committee on immigration to whom was referred council bill No. 18, a bill for an act to provide for the safety of passengers traveling by rail in the territory of Montana, beg leave to report that we have had the same under consideration and report it back with the recommendation that the bill do not pass.

Council bill No. 18 was passed to general orders.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on elections, to whom was referred house bill No. 18, entitled, "A bill for an act to provide for the registration of the names of electors and to prevent fraud at elections," beg leave to report the same back with the recommendation that it do pass.

House bill No. 18, was passed to general orders.

By Kennedy:

*Mr. President:* Your committee on enrollment begs leave to report that council bill No. 26, relating to gambling, and council bill No. 31, relating to gates and bars, have been correctly enrolled.

#### NOTICES OF INTRODUCTION OF BILLS.

By Kennedy—A bill for an act to prohibit gambling.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 18, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Whitney—A bill to amend section 793, fifth division compiled statutes of Montana, relating to the publication of county warrants to be redeemed by county treasurers."

By Congdon—"A bill to amend section 700, chapter 25, of the compiled statutes of Montana, relating to railroad corporations."

Also, that the following bills were introduced:

By Carver—House bill No. 38, entitled "An act to add a section to chapter 102, fifth division compiled statutes, relating to toll roads, toll bridges and toll boats."

Ordered printed.

By committee on elections and territorial affairs—House bill No. 39, An act concerning the Montana law library.

Ordered printed.

Also, to inform you that notice has been given that a motion

to reconsider the vote by which the house passed council bill No. 31, relating to gates and bars, will be made to-morrow.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

Mr. President announced the signing of house bill No. 3.

#### THIRD READING OF BILLS.

House bill No. 6, relating to the practice of medicine, etc., was read the third time.

Bickford in the chair.

Mr. President resumed the chair.

The bill passed by the following vote:

Ayes—Brown, Bickford, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Noes—none.

Absent—Conrad—1.

Title agreed to.

#### REPORT OF COMMITTEE ON ENROLLMENT.

By Kennedy:

*Mr. President:* Your joint committee on enrollment, to whom was referred house joint memorial No. 8, relating to statehood, respectfully report the same as correctly enrolled.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hoffman in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hoffman made the following report:

*Mr. President:* Your committee of the whole beg leave to report consideration of council bill No. 18, to provide for the safety of passengers by rail and the same is reported back with the recommendation that it be referred to a special committee of three.

On motion of Thompson of Deer Lodge. the report was adopted.

Mr. President appointed as special committee on council bill No. 18, Bickford, Middleton and Brown.

#### UNFINISHED BUSINESS.

Council bill No. 32, relating to exemption from jury duty.

The question recuring on the amendment of committee of the whole, exempting members of the national guard.

The amendment was lost by the following vote:

Ayes—Collins, Hoffman, Olds, Thompson of Deer Lodge and Mr. President—5.

Noes—Brown, Bickford, Hatch, Kennedy, Middleton, Thompson of Silver Bow—6.

Absent—Conrad.

Council bill No. 32 ordered engrossed.

On motion of Kennedy at 12:15 p. m., council took a recess until 2:30 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2:30 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF STANDING COMMITTEES.

By Collins:

*Mr. President:* Your committee on printing, to whom was re-referred council bill No. 29, with amendments, beg leave to report that we have had the same under consideration and recommend the passage of the same with the amendments already adopted and the other amendments recommended by this committee together with the following additional amendments:

Amend section 2 by inserting the following sentence at the beginning of said section: "The board of county commissioners of each county of the territory shall contract with some newspaper of general circulation within the county, to do and perform all the legal advertising required by law to be done and which is chargeable to said county."

Amend section 3 by inserting the word "job" before the word "printing" in the 8th line of original bill.

Amend section 5 by inserting at the beginning of the section the following: "Section 1653 of the fifth division, compiled laws of Montana, and".

Amend the title by inserting the words "publishing and" after the word "regulate."

Report received.

Bill and amendments passed to general orders.

By Collins:

*Mr. President:* Your committee on printing desire to report that they have examined council bill No. 35, a bill for an act to amend an act entitled, "An act to establish a series of text books for the public schools," and find the same correctly printed.

Council bill No. 35, on motion of Thompson of Deer Lodge, passed to general orders.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment to whom were referred the following bills and amendments, viz:

Council bill No. 22, a bill for an act relating to the protection of cemeteries and the remains of the dead.

Council bill No. 32, an act to amend section 1305, fifth division of compiled statutes of Montana, relating to exemption from jury duty.

Council bill No. 33, a bill to amend sections 898 and 900, fifth division compiled statutes, relating to the duties of county surveyors.

Amendments to house bill No. 9, to amend section 1143, and strike out a portion of section 1152, chapter 67, of compiled statutes.

Amendments to house bill No. 10, an act to provide compensation for justices of the peace.

Amendments to house bill No. 12, "A bill for an act to amend an act to enable certain cities and towns to incur indebtedness, beg leave to report that they have examined the same and find them correctly engrossed.

Council bill No. 22, council bill No. 32, council bill No. 33, house bill No. 9, house bill No. 10 and house bill No. 12 were passed to third reading.



## THIRD READING OF BILLS.

House bill No. 9 was read the third time.

Kennedy moved to strike out the amendment to the title to the bill.

So ordered.

On motion of Brown, section 2, line 4, was amended by inserting after the words "black tailed deer," the words "mule deer."

Roll called, and the bill as amended passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Nays—none.

Title agreed to.

House bill No. 10 was read the third time and passed as amended by the following vote:

Ayes—Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Noes—Brown.

Title agreed to.

House bill No. 12 was read the third time and passed as amended by the following vote:

Ayes—Bickford, Collins, Hoffmam, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—9.

Noes—Brown, Conrad and Kennedy.

Thompson of Deer Lodge moved to amend the title by striking out the word "certain."

So ordered.

Title as amended agreed to.

Council bill No. 22 was read the third time.

Thompson of Deer Lodge moved to strike out the word "the" in line of section 3 and insert in lieu thereof the word "any."

So ordered.

Roll called and bill passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch,

Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

Title agreed to.

Council bill No. 32 was read the third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—11.

Noes—Mr. President—1.

Title agreed to.

Council bill No. 33 was read the third time.

On motion of Kennedy the bill was referred to committee on roads and highways.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 19, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the motion to reconsider the vote by which the house passed council bill No. 21, relating to gates and bars, was carried and to request the return to the house of the same for further consideration.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Kennedy moved that the chief clerk be instructed to return council bill No. 31 to the house, and to inform the house the bill was enrolled before their message was received.

Motion lost.

GENERAL ORDERS.

Council resolved itself into a committee of the whole.

Hoffman in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hoffman, from committee of the whole, made the following report:

*Mr. President:* Your committee of the whole begs leave to report that after consideration thereof, the committee recommends that the amendments to council bill No. 29, to regulate printing and the purchase of blank books in the several counties, as reported by the committee on printing, and other amendments returned therewith, be adopted, and that, as amended, the bill do pass.

On motion of Kennedy the amendments to council bill No. 29 were adopted.

Council bill No. 29 ordered engrossed.

Mr. President announced the signing of council bill No. 26.

#### REPORT OF STANDING COMMITTEE.

By Collins:

*Mr. President:* Your committee on printing beg leave to report that they have examined the following bills and find the same correctly printed:

Council bill No. 38, for an act to provide for the recording of mining claims by a district recorder.

Council bill No. 37, for an act to amend section 604 of the fifth division of the compiled statutes of Montana territory, relating to assessments of life insurance companies.

Council bill No. 30, for an act concerning roads and highways.

Council bill No. 38 was referred to committee on mines and minerals.

Council bill No. 37 was referred to committee on incorporations.

Council bill No. 30 was referred to committee on roads and highways.

Kennedy moved to adjourn.

Motion lost.

On motion of Thompson of Silver Bow, at 5:15 p. m. council adjourned until to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

## THIRTY-EIGHTH DAY—WEDNESDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 20, 1889.

Council met at 10 a. m.

Mr. President in the chair.

Roll called and members all present.

Prayer by the chaplain.

Journal of yesterday was read and approved.

## REPORT OF STANDING COMMITTEE.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council bill No. 26, relating to gambling, was presented to the governor for his consideration at 10:01 a. m. Feb. 20, 1889.

## REPORT OF SPECIAL COMMITTEE.

By Hatch.

*Mr. President:* Your special committee appointed to examine the penitentiary and insane asylum have completed that duty and beg leave to make the following report.

The penitentiary appears to be conducted in a manner commendable to the officers in charge. Opportunity was afforded us to talk with such persons as desired to converse with us, and was availed of by many, very few complaints was made as to their treatment, and none of sufficient importance to include in this report. The sanitary condition of the penitentiary appears to be excellent and the greatest care is observed in keeping the prisoners in a healthful condition. Careful inquiry and examination was made in regard to the food furnished the prisoners, and the same was found to be of good quality, sufficient in ration and neatly and cleanly cooked and served.

Seasonable and sufficient clothing and bedding are furnished and the temperature of the prison is maintained at a comfortable degree of warmth at all times. The prisoners have access to a

library provided for their use, and to many of the daily and weekly newspapers published in the territory.

Many of the prisoners occupy their time in making fancy articles that they are permitted to sell for their own benefit. Others pursue some chosen study which they hope to turn to their advantage when their term of imprisonment shall have expired.

There was a unanimous plea from the prisoners to be afforded means of systematic manual labor. This, however, and unfortunately can not be done at present, for the reason that there is no suitable enclosure of the building.

There being nothing more than a common board fence about ten feet high enclosing the same, there should be built a strong and suitable wall made either of stone or brick, surrounding the buildings, and enclosing sufficient ground for the purpose of carrying on such work as might be done there. Such a wall could be built with but little expense, and would be of much benefit to the mental and physical condition of the prisoners. Brick of superior quality could be made on the premises, or stone could be quarried from the hills in the vicinity.

In the insane asylum there are 163 inmates, 27 of whom are females. About three-fifths of the inmates are but mildly insane, and may be wholly restored to sound mind. So far as your committee was able to observe, the inmates of the asylum are treated in a humane manner and are properly clothed and fed. They are supplied with good mattresses and sufficient bed clothing for their comfort.

The building and premises appear to be kept in a good sanitary condition. It is also apparent to your committee that owing to the inadequate provisions of the existing laws there are many persons confined in this institution who should be under the care of the several counties, rather than territorial charges.

It is also apparent that designing persons have in some instances successfully invoked the order of courts to confine persons in this institution who were neither insane nor proper subjects for confinement in the county poor house. While the parties having the contract for the care of the insane are as desirous as other citizens in the territory that these abuses should not occur yet they are practically helpless in the matter, and will remain so until more stringent laws are enacted, defining the manner in which the insane shall be committed.

Your committee also earnestly recommend to your consideration the cost of the maintenance of our insane under the present

system of caring for them, the same amounting to \$55,000 during the past year, and increasing so rapidly each year that unless some provision be made by this legislature to control this expense, it may seriously embarrass our territorial treasurer.

Your committee found the buildings ample for the accommodation of many more than are at present therein confined, probably sufficient to meet the requirements for the care of the insane for several years to come. They were favorably impressed with the arrangements of buildings and grounds as conducive of the best possible results to this class of unfortunates.

Your committee would therefore recommend that some legislation be enacted at this session of the legislature looking to the purchase of these buildings, with the surrounding grounds, not exceeding 160 acres of land, if the same can be had at a reasonable price.

But if satisfactory price can not be made your committee would urge upon the legislature the immediate necessity of providing an asylum for the insane to be owned by the territory and placed under the management of territorial officers, and would recite that the cost to the territory, per capita, under the present system is far in excess of that paid by any other state or territory.

Report received and placed on file.

#### NOTICES OF INTRODUCTION OF BILLS.

By Collins—A bill to change the boundary line between Cascade and Meagher counties.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 19, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notice of bill was given:

By Swiggett—A bill to prohibit lottery schemes and prize distributions.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

#### GENERAL ORDERS.

The council resolved itself into a committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hatch made the following report:

*Mr. President:* Your committee of the whole begs leave to



report that after having considered council bill No. 35, to amend an act to establish a series of text books for the public schools the committee recommend that the amendment returned with the bill be adopted and as amended the bill do pass.

On motion of Kennedy the report was adopted and bill ordered engrossed.

Mr. President announced the signing of house joint memorial No. 8.

On motion of Hatch, at 12:05 m., council took a recess until 2 p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF STANDING COMMITTEES.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred house bill No. 24, the same being a bill for an act to amend section 1004, fifth division compiled statutes of Montana, relating to the matter of alimony in divorce cases, beg leave to report that they have had the same under consideration and report it back to the council with the recommendation that it do pass as amended.

Council bill No. 28 was passed to general orders.

By Collins:

*Mr. President:* Your committee on printing desire to report that they have examined council bill No. 39, for an act to amend section 272, second division, compiled statutes of Montana, entitled "Probate practice act," and find that the same is correctly printed.

Council bill No. 39 was referred to judiciary committee.

#### INTRODUCTION OF BILLS.

By Bickford, by leave—Council bill No. 40, to enable school district No. 8, Missoula county, to issue bonds for the purpose of erecting a school house.

Read first and second times, and on motion of Thompson of Deer Lodge:

*Be it Resolved by the Council of the Sixteenth Legislative Assembly of the Territory of Montana:*

That from and after the adoption of this resolution by the leg-

islative council all matters touching the confirmation of territorial officers and affecting other matters which may be submitted by his excellency the governor to this body for its consideration be considered in executive session with open doors.

Kennedy moved to lay the resolution on the table.

Upon which the roll was called and the resolution laid on the table by the following vote:

Ayes—Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton and Wm. Thompson—8.

Nays—Brown, Olds, W. M. Thompson and Mr. President—4.

#### INTRODUCTION OF BILLS.

By Middleton, by leave—Council bill No. 41, relating to licenses.

Read first and second times and ordered printed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 20, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the motion to reconsider the vote by which the house concurred in council amendments to house bill No. 8, relating to bounty on stock destroying animals has been laid on the table.

Also, that the house has concurred in council amendments to house bill No. 9, relating to the better protection of game and fish; council amendment to house bill No. 10, to provide for the compensation of justices of the peace, council amendments to house bill No. 12, to enable cities and towns to incur indebtedness.

Also to inform you that the following notices of bills were given:

By Blakely—A bill to encourage manufactories in Montana.

By Murray—A bill to provide additional compensation for county officers.

Also, that the following bills were introduced:

By Jones—House bill No. 40, entitled "An act requiring railroad companies to fence their tracks in the territory of Montana and keep the fences in good repair.

By Davis—House bill No. 41, an act to regulate the business of pawnbrokers and junk-dealers.

By Whitney—House bill No. 42, an act requiring county treasurers to advertise in a newspaper a list of all warrants that they have funds in their hands to redeem.

By Hunt—House bill No. 43, "an act to provide for the appointment of a commission to codify the civil and criminal laws and proceedings, and to revise, compile and arrange the statute laws of Montana."

All of which were ordered printed.

Also, that the following resolution was introduced by Davis:

House joint resolution No. 9, for the relief of John X. Beidler.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

Also, *Mr. President*: I am instructed by the house to return to you council bill No. 7 with house amendments thereto, which, as amended, passed the house by the following vote:

Ayes—15.

Noes—8.

Absent—1.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Council bill No. 7—on motion of Thompson of Deer Lodge—house amendments were concurred in.

Bill ordered enrolled.

#### REPORT OF STANDING COMMITTEES.

By Kennedy:

*Mr. President*: Your joint committee on enrollment begs leave to report that house bill No. 8, concerning bounties for killing certain stock-destroying animals has been correctly enrolled.

Mr. Hatch by his own request, was excused from further attendance this afternoon.

## GENERAL ORDERS.

Council resolved itself into committee of the whole.

Olds in the chair.

Committee arose, council resumed.

Mr. President in the chair.

Olds made the following report:

*Mr. President:* Your committee of the whole begs leave to report consideration of the following bills:

House bill No. 24, relating to divorce and alimony.

House bill No. 25, to prohibit minors frequenting saloons and gambling houses.

Council bill No. 21, relating to reports of the supreme court and to recommend that house bill No. 24, be amended by adding to section 1 the following:

*Providing,* That no order for alimony shall be made until notice of the time and place of hearing shall be served upon the opposite party, in cases where such party has appeared. And in all other cases the notice shall be served upon the clerk of the court in which the action is pending and the passage of the bill as amended.

Also, that house bill No. 25 be amended as follows: Section 1, line 8, before the word "knowingly" insert the words "employed in," or that the title of the bill be amended so as to read, "An act to amend section 241, chapter 13, fourth division of the compiled statutes of Montana prohibiting minors from frequenting saloons and gambling houses, and that as amended the bill pass.

Also, that the amendment to council bill No. 21 as reported by the committee on judiciary be adopted, and that as amended the bill do pass.

On motion of Bickford, the report was adopted.

House bills Nos. 24 and 25 and council bill No. 21 were referred to engrossing committee.

## RECESS.

On motion of Middleton, at 4:45 o'clock p. m. council took a recess until 5 p. m.

Council resumed at 5 o'clock p. m.

Mr. President in the chair.

Quorum present.

President announced the signing of house bill No. 8.

On motion of Conrad, at 5 o'clock p. m. the council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

### THIRTY-NINTH DAY—THURSDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 21, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and the members all present.

Prayer by the chaplain.

Mr. Hatch in the chair.

Journal of yesterday read and approved.

Mr. President resumed the chair.

#### PETITIONS.

By Kennedy—A remonstrance from 71 citizens of Boulder and vicinity against the passage of house bill No. 30.

Placed on file.

On motion of Thompson of Deer Lodge, a special committee of three, to act in connection with a like committee to be appointed by the house, to extend the courtesies of this legislature to the honorable visitors, was appointed.

Mr. President appointed Thompson of Deer Lodge, Middleton and Hatch as such committee.

#### REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on elections, to whom was referred council bill No. 8, entitled "An act to provide for printing and distributing ballots at the public expense and to regulate

voting at territorial and other elections," beg leave to report that they have had the same under consideration.

Council bill No. 8 was passed to general orders.

By Olds:

*Mr. President:* Your committee on mines and mining, to whom was referred council bill No. 38, beg leave to report the same back to the council and recommend that it do pass.

Council bill No. 38 was passed to general orders.

By Olds:

*Mr. President:* Your committee on incorporation, to whom was referred council bill No. 37, beg leave to report the same back to the council and recommend that it do pass.

Council bill No. 37 was passed to general orders.

#### NOTICE OF BILLS.

By Conrad:

*Mr. President:* I hereby give notice that on to-morrow or some future day I will introduce a bill to detach certain territory from Park county and annex the same to Yellowstone county, Montana territory.

#### INTRODUCTION OF BILLS.

By Collins:

Council bill No. 42, a bill to provide fees and compensation for certain county officers in the territory of Montana, read first and second times and ordered printed.

By Middleton, by leave:

Council bill No. 43, to amend section 229 of the probate practice act, read first and second times and ordered printed.

#### THIRD READING OF BILLS.

By Collins:

Council bill No. 42, a bill to provide fees and compensation for certain county officers in the territory of Montana, read first and second times and ordered printed.

By Middleton, by leave:

Council bill No. 43, to amend section 229 of the probate practice act, read first and second times and ordered printed.

#### THIRD READING OF BILLS.

Council bill No. 29, read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch,



Kennedy, Middleton, Olds, Thompson of Deer Lodge and Mr. President—11.

Absent—Thompson of Silver Bow—I.

Title agreed to.

Council bill No. 35, read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Nays—Collins.

Title agreed to.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair:

Hatch, from the committee of the whole, reported consideration of house bill No 18.

Reported progress and asked leave to sit again.

So ordered.

On motion of Conrad at 12:50 o'clock p. m., the council took a recess until 2:30 o'clock p. m.

#### AFTERNOON SESSION.

Council met at 2:30 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF STANDING COMMITTEES.

By Hatch:

*Mr. President:* Your committee on roads and highways to whom was referred council bill No. 33 for amendment, respectfully report the same back with amendment as indicated by the council and recommend the adoption of the amendment and that the bill do pass as amended.

Council bill No. 33 was passed to general orders with amendments.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred the following bill and amendments, viz.: Council bill No. 21, an act to amend sections 1993 and 1995, fifth division, compiled statutes, relating to supreme court reports; amendments to house bill No. 24, an act to amend section 1004, chapter 58, compiled statutes; amendments to house bill No. 25, an act to amend section 241, chapter 13, fourth division, criminal laws, prohibiting minors from frequenting saloons and gambling houses, beg leave to report that they have examined the same and find them correctly engrossed.

Council bill No. 21 and house bills Nos. 24 and 25 were passed to third reading.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred council bill No. 39, the same being a bill for an act to amend section 272, second division, compiled laws of Montana, beg leave to report that they had the same under consideration and report it back with the recommendation that it do pass.

Council bill No. 39 was passed to general orders.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 21, 1889.

*Mr. President:* I am instructed to transmit to your honorable body house joint resolution No. 10, providing for the payment of telegrams to congress, which was introduced without previous notice and passed the house unanimously.

Respectfully, submitted,  
BENJAMIN WEBSTER, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 21, 1889.

*Mr. President:* I am instructed to inform your honorable body that the following notices of bills were given:

By Congdon—A bill relating to limitation of actions by the judiciary committee.

A bill relating to assignment of estates of debtors for creditors.

Also, that the following bills were introduced:

By Joslyn—House bill No. 44, an act to prohibit lotteries and providing penalties for the violation thereof.

By Congdon—House bill No. 45, for an act to amend section 700, chapter 25 of the compiled statutes of Montana, relating to railroad corporations.

By Carver—House bill No. 46, an act to suppress and prevent discrimination of scab and contagious diseases among sheep, and to repeal certain other acts.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

A message was received from the house informing the council of the appointing a committee without stating who had been appointed as such committee.

On motion of Thompson of Deer Lodge, the chief clerk was instructed to return the message and ask for further information.

House bill No. 24, was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

Bickford moved to amend title by adding, concerning alimony in divorce cases.

So ordered.

Title as amended agreed to.

House bill No. 25 was read third time.

Thompson of Deer Lodge moved to lay the bill on the table.

Motion lost.

Roll was called and bill passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Middleton, Olds and Thompson of Silver Bow—7.

Nays—Hoffman, Hatch, Kennedy, Thompson of Deer Lodge, and Mr. President—5.

Title agreed to.

Council bill No. 21, was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch,

Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, and Mr. President—12.

Title agreed to.

GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Mr. President in the chair.

Hatch, for committee of the whole, reported consideration of house bill No. 18, reported progress and asked leave to sit again.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 21, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that a select committee of three, consisting of the following named gentlemen: Messrs. Davis, Garrett and Joslyn, have been appointed to await upon the council for the purpose of ascertaining your views in regard to the proposed excursion to Great Falls and coming to some determination thereon.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President:* I am instructed by the house to inform your honorable body that the committee to confer with the house in regard to the visit of the Dakota legislature consists of the following members:

Moore, Saxton and Davis.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, February 21, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I did, on the 20th day of February, 1889, approve and sign the bill No. 26, which orig-

inated in your body, entitled "An act to prohibit certain gambling games and fixing penalties for violation thereof."

Respectfully,

P. H. LESLIE.

On motion of Thompson of Deer Lodge, a select committee of three was appointed as a reception committee on the part of the council, comprising President Cole, Thompson of Silver Bow, and Bickford.

On motion of Bickford at 5:20 o'clock p. m. the council adjourned until Saturday at 10 o'clock a. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk:

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#### FORTY-FIRST DAY—SATURDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 23, 1889.

Council met at 10 o'clock a. m.

Bickford in the chair.

Roll called—no quorum present.

On motion of Kennedy the council adjourned until Monday next at 10 o'clock, a. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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#### FORTY-THIRD DAY—MONDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 25, 1889.

Council met at 10 o'clock a. m.

Conrad in the chair.

Roll called—no quorum present.

Council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

## FORTY-FOURTH DAY—TUESDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 26, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and all members were present.

Prayer by the chaplain.

Journal of the 39th, 41st and 43d days read and approved.

## REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report the following bills as correctly enrolled:

Council bill No. 7, to provide for a bridge fund and the building of free bridges.

House bill No. 9, for the protection of game and fish.

House bill No. 12, allowing towns and cities to incur indebtedness.

House bill No. 6, to regulate the practice of medicine in Montana.

Also, house bill No. 10, regulating the compensation of justices of the peace.

By Collins:

*Mr. President:* Your committee on printing desire to report that they have examined the following bills and find them correctly printed:

Council bill No. 41 for an act to amend section 1368, fifth division compiled statutes, concerning licenses.

Council bill No. 42, for an act to provide fees and compensation for certain county officers.

Council bill No. 41 was referred to judiciary committee.



Council bill No. 42 was referred to committee on ways and means.

By Kennedy:

*Mr. President:* Your joint committee, appointed to examine and investigate the offices and accounts of the territorial auditor and territorial treasurer, begs leave to report that in accordance with the resolution under which the committee was appointed, two competent, reliable and efficient experts were employed.

That they have, under the supervision of the members of the committee, thoroughly investigated all the accounts of the two officers, examined every warrant and voucher, compared the bank accounts with the statements on the books and investigated the condition of the two offices.

The examination has been very satisfactory to your committee, showing that the books balance to a cent.

That the cash accredited to the territory is deposited securely in the banks of Helena.

That the officers have been faithful, honest and diligent in the performance of their duties.

That the system of book-keeping used is simple and accurate, and that the general management of the offices is good.

Your committee considered the question of allowing a clerk for the auditor's office, but concluded that with the repeal of the bounty on prairie dogs and ground squirrels, the work of the office so decreased that there is at present no necessity for an additional clerk.

The report was placed on file.

#### INTRODUCTION OF BILLS.

By Kennedy:

Council bill No. 44, to prohibit gambling, read first and second times and ordered printed.

#### GENERAL ORDERS.

Council resolved itself into a committee of the whole.

Hatch in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Hatch from the committee of the whole reported progress and asks leave to sit again.

So ordered.

On motion of Conrad at 12 o'clock m. council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORT OF STANDING COMMITTEE.

By Bickford:

*Mr. President:* Your committee to whom was referred council bill No. 14, providing for the appointment and prescribing the duties of a public examiner, beg leave to report that they have had the same under consideration and report it back without recommendation.

Council bill No. 14 was passed to general orders.

#### REPORT OF SPECIAL COMMITTEE.

*Mr. President:* Your committee to whom was referred council bill No. 14, providing for the appointment and prescribing the duties of a public examiner, beg leave to report that they have had the same under consideration and report it back without recommendation.

Council bill No. 14 was passed to general orders.

#### REPORT OF SPECIAL COMMITTEE.

*Mr. President:* Your special committee, to whom was referred house bill No. 2, an act to prohibit certain gambling games and fixing penalties for violation thereof, respectfully report the same back and recommend that it be indefinitely postponed, for the reason that another bill covering the same ground has been enacted into a law by this legislature.

WILLIAM THOMPSON,

GEO. M. HATCH.

On motion of Kennedy house bill No. 2 was indefinitely postponed.

## MOTIONS AND RESOLUTIONS.

By Kennedy:

Council joint resolution No. 12, to defray the expenses of the joint committee of the legislature appointed to visit the penitentiary and insane asylum.

Read first and second times and passed to general orders.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 26, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that on Thursday afternoon, February 21st, Congdon introduced house bill No. 47, entitled, "An act to amend sections 41 and 44, chapter 3, of the compiled statutes of Montana, relating to the limitations of actions."

Ordered printed.

That this morning the following notices of bills were given:

By Blakely—A bill regulating the purchase and construction of bridges in the several counties of Montana.

By Moore—An act to regulate the practice of dentistry in the territory of Montana.

That the following bills were introduced:

By Moore—House bill No. 48, an act regulating the practice of dentistry in the territory of Montana, which was referred to the committee on military affairs.

By judiciary committee—House bill No. 49, an act in relation to assignments of the estates of debtors for the benefit of creditors.

Ordered printed.

Also, to inform your honorable body that the house has concurred in council amendments to house bill No. 25, prohibiting minors from frequenting saloons and gambling houses.

Also, to return to you council bill No. 20, which, with amendments herewith transmitted, passed the house by the following vote:

Ayes—20.

Noes—1.

Absent—3.

Respectfully submitted,  
BENJ. WEBSTER, Chief Clerk.

On motion of Middleton, house amendments to council bill No. 20 were concurred in.

## GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hatch, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole have had under consideration house bill No. 18, providing for the registration of voters, and report the bill back as amended and recommend that it be referred to a special joint committee of both houses for further consideration.

On motion of Kennedy the report was received and amendments and recommendation adopted.

President appointed as such joint committee, on the part of the council, Thompson of Deer Lodge, Brown and Middleton.

President announced the signing of house bills No. 6, 9, 10 and 12, and council bill No. 7.

On motion of Bickford council bill No. 28 was taken from general orders and re-committed to the committee on grazing and stock raising.

The chief clerk read communications from Hon. J. J. Ingalls, president of the United States senate, stating that house joint memorial No. 8, relating to statehood, had been received and referred to committee on territories; and that council joint memorial No. 7, relative to sale of mineral lands to aliens, was received and would be referred to committee on public lands.

At 4 o'clock p. m., on motion of Thompson of Deer Lodge, council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.  
JOHN R. EARDLEY, Chief Clerk.

## FORTY-FIFTH DAY—WEDNESDAY.

COUNCIL CHAMBER,  
Helena, Montana, February 27, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 25, concerning minors visiting saloons and gambling houses, has been correctly enrolled, and that council bill No. 7, concerning free bridges, was presented to the governor for his consideration at 9:45 a. m., February 27th.

By Brown:

*Mr. President:* Your committee on judiciary to whom was referred council bill No. 41, concerning licenses, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

Council bill No. 41 was passed to general orders.

By Collins:

*Mr. President:* Your committee on printing beg leave to report that they have examined Council bill No. 36, for an act to amend sections 2031, 2032, 2033, 2034, 2037 and 2038 of the fifth division of the compiled statutes of Montana, relating to town and village sites and plats, and find the same correctly printed.

Council bill No. 38 was referred to committee on towns and counties.

## NOTICES OF BILLS.

By Kennedy:

*Mr. President:* I hereby give notice that I will on to-morrow or some subsequent day ask leave to introduce a bill in relation to the publication of notices required by law to be posted.

## INTRODUCTION OF BILLS.

By Brown, by leave—Council bill No. 45, in relation to irrigation and water rights.

On motion of Kennedy, read first and second times by title and ordered printed.

By Middleton—Council bill No. 46, to provide for the levy of taxes and assessment of property.

On motion of Middleton, read first and second times by title and ordered printed.

## MOTIONS AND RESOLUTIONS.

By Kennedy:

Council joint resolution No. 13, to provide compensation for Frank R. Shaffer and J. V. Jerome, accountants.

Read first and second times and referred to committee on ways and means.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 26, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the speaker has appointed as a special committee of three to confer with a like committee of the council in regard to house bill No. 18, relating to the registration of voters, Messrs. Hunt, Moore and Haskell.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

## GENERAL ORDERS.

Council resolved itself into committee of the whole.

Collins in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Collins from committee of the whole reported as follows:

*Mr. President:* Your committee of the whole have con-



sidered council bill No. 39, to amend section 272 probate practice act, and beg leave to report the same back with amendments thereto annexed, and to recommend the adoption of the amendments and passage of the bill as amended.

Also, house bill No. 8, relating to ballots and voting at elections, having been partially considered your committee asks leave to sit again.

On motion of Thompson of Deer Lodge, the report was adopted.

Council bill No. 39, was ordered engrossed.

The president announced the signing of house bill No. 25.

At 12:25 o'clock m., on motion of Thompson of Deer Lodge, council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 6, to regulate the practice of medicine; for the protection of game and fish; house bill No. 10, regulating the compensation of justices of the peace, and house bill No. 12, allowing towns and cities to incur indebtedness, were handed to the governor for his consideration at 10:10 a. m. February 27.

#### GENERAL ORDERS.

On motion of Middleton the regular order of business was dispensed with and the council resolved itself into a committee of the whole.

Collins in the chair.

Committee arose.

Mr. President in the chair.

Collins, from committee of the whole, reported progress and asked leave to sit again.

So ordered.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 27, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Swiggett—A bill to provide for filling vacancies in the office of county commissioners.

By Hunt—A bill for an act amending the laws relative to incorporated cities.

By Davis—A bill for an act to amend sections 239, 242, 243, 244, 256, 257 and 259 of the fifth division of the compiled statutes of Montana.

Also, that by consent of the house, Haskell introduced without previous notice house bill No. 50, an act to provide a private secretary to the governor.

Referred to the committee on ways and means.

Also, that the house has concurred in council amendments to house bill No. 24, relating to alimony in divorce cases.

Also that house bill No. 19, an act to amend section 228 of the code of civil procedure and house joint resolution No. 6, authorizing the publication of an official map of the territory of Montana, have been indefinitely postponed.

Also to transmit to your honorable body house bill No. 31, relating to signs on gambling houses, which passed the house.

Ayes—23.

Nays—0.

Absent—I.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 31, referred to committee on judiciary.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, February 27, 1889.

*Gentlemen of the Legislative Council:*

I nominate for your consideration and confirmation, W. G.

Preuit, to be treasurer for Montana territory; James Sullivan, to be auditor for Montana territory; William E. Cullen, to be attorney general for the territory of Montana; A. C. Logan, to be superintendent of public schools for the territory of Montana and Miss Lou Guthrie, to be librarian of Montana territory.

Respectfully submitted,

P. H. LESLIE.

On motion of Kennedy, the nominations of the governor were referred as follows:

The auditor and treasurer, to committee on ways and means; the attorney-general and librarian, to committee on judiciary; the superintendent of public schools, to committee on education and labor.

On motion of Middleton, Thompson of Silver Bow was appointed as a special committee to ascertain the expenses incurred in connection with the visit of the Dakota legislature.

On motion of Middleton, at 4:35 o'clock p. m. council took a recess until 7 o'clock p. m.

#### EVENING SESSION.

Council resumed at 7 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

On motion of Thompson of Silver Bow council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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#### FORTY-SIXTH DAY—THURSDAY.

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#### COUNCIL CHAMBER,

Helena, Montana, February 28, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 25, concerning minors visiting saloons, was presented to the governor for his consideration at 4:30 p. m., February 27th, 1889.

Also, that council bill No. 20, relating to the formation of juries has been correctly enrolled.

## INTRODUCTION OF BILLS.

By Collins—by leave:

Council bill No. 47, relating to chattel mortgages, read first and second times and referred to committee on judiciary.

By Bickford:

Council bill No. 48, concerning public schools, on motion of Bickford rules were suspended.

Read first and second times by title and ordered printed.

By Bickford—by leave:

Council bill No. 49, concerning the administration of public schools in incorporated cities.

Read first and second times and ordered printed.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, February 28, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and signed the bill which originated in your body, No. 7, entitled "An act to authorize counties to build free bridges."

Respectfully,

P. H. LESLIE.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 27, 1889.

*Mr. President:* I am directed by the house to inform your

honorable body that the house has passed the following house bills, and they are herewith transmitted:

House bill No. 14, authorizing the dower right of insane married women.

Ayes—23.

Noes—none.

Absent—1.

House bill No. 20, concerning boxes, battles and syphons.

Ayes—23.

Noes—none.

Absent—1.

House bill No. 27, relating to county treasurer's.

Ayes—12.

Noes—10.

Absent—2.

House bill No. 16, creating the office of inspector of mines.

Ayes—18.

Noes—5.

Absent—1.

House bill No. 50, providing a private secretary for the governor.

Ayes—22.

Noes—none.

Absent—2.

Also, the house has passed the following council bills with amendments and they are herewith returned.

Council bill No. 35, establishing a series of text books.

Ayes—21.

Noes—1.

Absent—2.

Council bill No. 22, protecting the remains of the dead.

Ayes—21.

Noes—none.

Absent—3.

Respectfully submitted,  
BENJ. WEBSTER, Chief Clerk.

House bill No. 14 read first and second times and referred to committee on judiciary.

House bill No. 27 read first and second times and referred to committee on territorial affairs.

House bill No. 20, read first and second times and referred to committee on grazing and stock raising.

House bill No. 50, read first and second times and referred to committee on ways and means.

House bill No. 16—On motion of Bickford the rules were suspended.

Bill read first and second times by title and referred to committee on mines and minerals.

Council bill No. 22—On motion of Kennedy, house amendments to sections one and four and to the title were concurred in.

On motion of Kennedy, house amendments to section two, changing the word sepulture to "sepulchre" was not concurred in and a conference committee was appointed, composed of Kennedy, Thompson of Deer Lodge and Bickford.

Council bill, No. 35, on motion of Thompson, of Deer Lodge, house amendments were concurred in.

Middleton moved to take up council bill No. 17, relating to the time when acts of legislature shall take effect, and refer to a joint committee of both houses.

So ordered.

The president appointed as such committee on the part of the council, Messrs. Middleton, Brown and Hoffman.

#### GENERAL ORDERS.

Council resolved itself into committee of the whole.

Collins in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Collins, from committee of the whole, reported progress and asked leave to sit again.

So ordered.



The president announced the signing of council bill No. 20.

On motion of Thompson of Deer Lodge, at 12 o'clock m., council took a recess until 1:30 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 1:30 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF STANDING COMMITTEES.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred house bill No. 31, the same being "A bill for an act to repeal section 206, chapter eleven, compiled statutes of Montana, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

House bill No. 31 was passed to general orders.

#### INTRODUCTION OF BILLS.

By Middleton, by leave—Council bill No. 50, to provide for the execution, levy and sale of certain animals running at large.

Read first and second times and ordered printed.

By Brown, by leave—Council bill No. 51, relating to appeals from the decision of county commissioners.

Read first and second times and ordered printed.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Collins in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Collins from committee of the whole made the following report.

*Mr. President:* Your committee of the whole make the following report.

*Mr. President:* Your committee of the whole beg leave to report back the following bills as having been considered, and to recommend. That the amendments to council bill No. 8, pro-

viding for printing and distributing ballots at public expense, and to regulate voting, with the bill, be adopted and that as amended the bill do pass.

Also, that council bill No. 40, to enable school district No. 8, Missoula, to issue bonds, be referred to the committee on education and labor for further consideration.

Also, that the amendments annexed to council bill No. 38, providing for district mining recorders, be adopted and as amended the bill do pass.

On motion of Kennedy, the report was adopted.

Council bills Nos. 8 and 38 were ordered engrossed.

Council bill No. 40 was referred to committee on education and labor.

Middleton moved to adjourn.

Lost.

On motion of Collins, at 5:40 o'clock p. m. council adjourned until 10 o'clock a. m. to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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## FORTY-SEVENTH DAY—FRIDAY.

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COUNCIL CHAMBER,  
Helena, Montana, March 1st, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and all members present except Bickford.

Prayer by the chaplain.

Journal of yesterday read and approved.

### REPORTS OF STANDING COMMITTEES.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means herewith transmit house bill No. 50, which they have examined and recommend it do pass.

On motion of Thompson of Silver Bow house bill No. 50 was passed to third reading of bills.

Also, *Mr. President*: Your committee on ways and means, to whom was referred council bill No. 42, a bill for an act to provide fees and compensation for certain county officers in the territory of Montana, respectfully report the same back with amendments and recommend the adoption of the amendments and that the bill do pass as amended.

Council bill No. 42—On motion of Hatch the report was adopted and bill passed to general orders.

By Brown:

*Mr. President*: Your committee on judiciary to whom was referred house bill No. 14, relating to the conveyance of the dower rights of insane married women, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

House bill No. 14, was passed to general orders.

By Thompson of Deer Lodge:

*Mr. President*: Your committee appointed to confer with a committee of the house relating to house bill No. 18, relating to the registration of voters, have in conference considered said bill and report the same back to the council with the recommendation that the amendments herewith submitted be adopted.

Your committee recommended the adoption of the amendments made in committee of the whole of the council, that the amendments herewith submitted are in addition to the amendments made by the committee of the whole.

House bill No. 18—On motion of Thompson of Silver Bow, the report was received and amendments of both committees adopted.

House bill No. 18 as amended was referred to committee on engrossment.

By Kennedy:

*Mr. President*: Your joint committee on enrollment begs leave to report that council bill No. 20, concerning the formation of the jury, was handed to the governor for his consideration at 4:01 o'clock p. m., February 28.

#### INTRODUCTION OF BILLS.

By Kennedy:

Council bill No. 52, concerning the publication of notices required by law to be posted.

Read first and second times and ordered printed.

By Thompson of Silver Bow, by leave—Council bill No. 53, concerning school bonds.

Read first and second times and ordered printed.

By Thompson of Deer Lodge, by leave—Council bill No. 54, relating to board of prisoners.

Read first and second times and referred to committee on ways and means.

Middleton, by leave, made the following report:

*Mr. President:* Your special committee to whom was referred council bill No. 23, a bill for an act regulating corporations, have had the same under consideration and report it back with the following amendments and as so amended recommend that it do pass.

Amend by inserting in line 2, section 1, after the word "corporations, the following: "heretofore organized or which may hereafter be organized under the laws of Montana, or which have their principal place of business, or hold the larger part of their property within Montana."

Council bill No. 23 with amendments was passed to general orders.<sup>1</sup>

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 28, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following bills were introduced and ordered printed.

By Blakely—House bill No. 51, entitled "A bill for an act relating to the purchase and construction of bridges in the several counties of Montana."

By Blakely—House bill No. 52, "A bill for an act closing certain business houses on Sunday."

House bill No. 53, by Swiggett—"A bill for an act to provide for filling vacancies in the office of county commissioners."

By Davis—House bill No. 54, A bill for an act to amend sections 239, 242, 243, 244, 256, 257 and 259, fifth division compiled statutes of Montana.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President*: I am instructed by the house to inform your honorable body that in compliance with your request the house has appointed Messrs. Joslyn, Rea and Saxton, as house members of the conference committee in relation to council bill No. 22, relating to the protection of cemeteries and remains of the dead and house amendments thereto.

Also, that the house members of conference committee formerly appointed to consider council bill No. 17, relating to the time when acts of the legislature shall take effect, and house amendments thereto, have not made their final report and have been instructed to confer with your committee.

I am also instructed to inform you that the house has indefinitely postponed further consideration of council bill No. 32 relating to exemption from jury duty.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

GENERAL ORDERS.

Council resolved itself into a committee of the whole.

Conrad in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Conrad, from committee of the whole, made the following report:

*Mr. President*: Your committee of the whole beg leave to report consideration of house joint resolution No. 10, for payment of certain expenses for telegraphing memorials, etc., and to recommend its passage.

Also, council joint resolution No. 12, to defray expenses of joint committee to visit the penitentiary and insane asylum, which is recommended to pass, after adopting amendments returned herewith.

Also, house bill No. 31, to repeal section 206 of chapter 11, of compiled statutes of Montana, which your committee recommends do pass.

Also council bill No. 42, relating to fees of county officers being under consideration, your committee asks leave to sit again.

On motion of Kennedy the report was adopted.

House joint resolution No. 10, passed to third reading.

Council joint resolution No. 12, was ordered engrossed.

House bill No. 31, was passed to third reading.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 24, concerning alimony in divorce cases, and council bill No. 35, concerning text books to be used in the public schools have been correctly enrolled.

The president announced the signing of house bill No. 24 and council bill No. 35.

On motion of Kennedy at 12:10 o'clock m. council took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

On motion of Middleton council resolved itself into a committee of the whole.

Conrad in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Conrad, from committee of the whole, reported progress and asked leave to sit again.

So ordered.

At 6:05 o'clock p. m. on motion of Kennedy council adjourned until 10 o'clock to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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FORTY-EIGHTH DAY—SATURDAY.

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COUNCIL CHAMBER,  
Helena, Montana, March 2, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.



Roll called and all members present except Bickford and Hoffman.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Collins, leave of absence was granted to Bickford and Hoffman.

#### PETITIONS.

By Conrad—From 41 citizens of Park county, asking to be detached from said county and attached to Yellowstone county.

Referred to committee on towns and counties.

By Collins—From 123 citizens of Cascade county, asking for passage of an act requiring railroad companies to burn grass on both sides of its track.

Referred to committee on internal improvements.

By Hatch—From 243 citizens of Park county protesting against being attached to Yellowstone county.

Referred to committee on towns and counties.

By Kennedy—From 61 citizens of Deer Lodge county, asking for the passage of council bill No. 8.

Filed with previous petitions.

#### REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your committee on military affairs, to which was referred house bill No. 15, concerning the militia of Montana, begs leave to report that the bill has been carefully considered and amendments are submitted herewith with the recommendation that the amendments be adopted and that the bill as amended do pass.

House bill No. 15 was passed to general orders.

By Collins:

*Mr. President:* Your committee on printing beg leave to report that they have examined council bill No. 43, for an act to amend section 229 of the probate practice act, and council bill No. 44, for an act to prohibit gambling, and find that the same have been correctly printed.

Council bill No. 43 was referred to committee on judiciary.

Council bill No. 44 was referred to committee on territorial affairs.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment has carefully compared the council amendments to house bill No. 18, to provide for the registration of voters; council bill No. 8, providing for the printing and distribution of ballots at public expense, and council joint resolution No. 12, to provide for the payment of the expenses of the joint committee of the legislative assembly appointed to visit the penitentiary and insane asylum, and beg leave to report them as correctly engrossed.

House bill No. 18, was passed to third reading.

Council bill No. 8, was passed to third reading.

Council joint resolution No. 12, was passed to third reading.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment has carefully compared council bill No. 39, entitled, "An act to amend section 272, second division compiled statutes probate practice act," and beg leave to report it correctly engrossed.

Council bill No. 39, was passed to third reading.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 1, 1889.

*Mr. President:* I am directed by the house to inform your honorable body that the following bill has been introduced and ordered printed.

By Blakely—House bill No. 55, "An act to encourage the establishing of a paper mill and the manufacture of paper."

Also, to transmit to your honorable body house bill No. 26, entitled "An act to amend chapter 22, fifth division of the compiled statutes of Montana," and the amendments thereto approved September 14, 1887, relating to municipal corporations, which passed the house by the following vote:

Ayes—23.

Noes—0.

Absent—1.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President*: I am instructed to transmit to you house bill No. 39, relating to the Montana law library, which passed the house by the following vote:

Ayes—14.

Noes—0.

Absent—10.

Also to inform you that further consideration of house bill No. 48, relating to the practice of dentistry, has been indefinitely postponed.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President*: I am instructed to inform your honorable body that the governor refuses to approve house bill No. 25, an act relating to prohibiting minors from frequenting saloons and gambling houses, and has returned said bill with a message setting forth his objections to the same.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Mr. Brown in the chair.

House bill No. 26, on motion of Thompson of Deer Lodge, the rules were suspended, the bill was read first and second times by title and referred to committee on incorporations.

House bill No. 39 was read first and second times and referred to committee on judiciary.

#### THIRD READING OF BILLS.

House bill No. 50—On motion of Thompson of Deer Lodge, the bill was passed to general orders.

House bill No. 31 was read third time and passed by the following vote:

Ayes—Brown, Conrad, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—7.

Nays—Kennedy—1.

Absent—Bickford, Collins, Hoffman and Mr. President—4.

Title agreed to.

House joint resolution No. 10 was read third time and passed by the following vote:

Ayes—Brown, Conrad, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—7.

Nays—none.

Absent—Bickford, Collins, Hoffman, Middleton, and Mr. President—5.

Title agreed to.

Mr. President resumed the chair.

House bill No. 18, was read third time and passed by the following vote:

Ayes—Brown, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, and Mr. President—10.

Nays—none.

Absent—Bickford and Hoffman—2.

Title agreed to.

Council joint resolution No. 12, was read third time and passed by the following vote.

Ayes—Brown, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.

Nces—none.

Absent—Bickford and Hoffman—2.

Title agreed to.

Council bill No. 39 was read third time and passed by the following vote:

Ayes—Brown, Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.

Nays—none.

Absent—Bickford and Hoffman—2.

Title agreed to.

On motion of Thompson of Deer Lodge, council bill No. 48 was withdrawn from committee on printing and referred to committee on education and labor.

At 12:15 o'clock m., on motion of Middleton, council took a recess until 2 o'clock p. m.

## AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 2, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following bill was introduced by Hunt:

House bill No. 46, entitled "A bill relating to the compensation of the mayor and aldermen of incorporated cities and authorizing the passage of certain ordinances regulating the construction of buildings."

Ordered printed.

Also to transmit the following bills which passed the house.

House bill No. 42, requiring county treasurer to advertise, etc.

Ayes—11.

Noes—10.

Absent—3.

House bill No. 35, "relating to printing and posting city ordinances."

Ayes—16.

Noes—4.

Absent—4.

House bill No. 30, an act to amend an act concerning licenses.

Ayes—20.

Nays—1.

Absent—3.

House bill No. 21, creating a territorial board of examiners.

Ayes—17.

Nays—4.

Absent—3.

Also, to return to you council bill No. 21, relating to the supreme court reports, which passed the house with the amendments herewith transmitted.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 42 was read first and second times and referred to committee on ways and means.

House bill No. 35 was read first and second times and referred to committee on judiciary.

House bill No. 30 was read first and second times and referred to committee on territorial affairs.

House bill No. 21, was read first and second times and referred to committee on territorial affairs.

House bill No. 21, was read first and second times and referred to committee on judiciary.

Council bill No. 21, on motion of Kennedy house amendments were concurred in.

Also, *Mr. President*: I am instructed by the house to inform your honorable body, that the governor has vetoed house bill No. 25, for the reasons set forth in his message herewith transmitted and that the house has sustained the veto by the following vote:

Ayes—10.

Nays—9.

Absent—5.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

#### REPORT OF STANDING COMMITTEES.

By Kennedy:

*Mr. President*: Your joint committee on enrollment begs leave to report that council bill No. 35, to provide for a series of text books, was presented to the governor for his consideration at 2:22 p. m., March 2d.

#### INTRODUCTION OF BILLS.

By Collins—Council bill No. 55, to change the boundary lines between Cascade and Meagher counties.

Read first and second times and on motion of Thompson of Deer Lodge was referred to committee on towns and counties without printing.



## GENERAL ORDERS.

The council resolved itself into committee of the whole.

Conrad in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Conrad made the following report:

*Mr. President:* Your committee of the whole beg leave to report that they have had under consideration council bill No. 42, relative to fees and compensation of county officers, have made additional amendments thereto and recommend the passage of the bill as amended.

On motion of Middleton the report of the committee, with amendments was adopted and the bill ordered engrossed.

Leave of absence was granted Thompson of Silver Bow for Monday.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 2, 1889.

*Mr. President:* I am instructed to transmit to your honorable body house bill No. 43, relating to the appointment of a commission to codify the criminal and civil law, etc., which passed the house by the following vote:

Ayes—15.

Nays—2.

Absent—7.

Also house concurrent resolution No. 11, limiting the time of introducing bills which passed by the following vote:

Ayes—17.

Nays—2.

Absent—5.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

House bill No. 43, was read first and second times by title and referred to committee on judiciary.

House concurrent resolution No. 11, was read first and second times and referred to committee on ways and means.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 2, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and signed the bill No. 20, which originated in your body, and is entitled, "An act to amend section 255, of first division of compiled statutes, relating to the formation of the jury."

Respectfully,

P. H. LESLIE.

Also:

*To the Hon. Charles K. Cole and Hon. Lee Mantle, Presiding Officers of the Council and House of Representatives of the Legislative Assembly of the Territory of Montana:*

I submit for your consideration the propriety of legislative action with reference to the purchase for the use and reference of the people of Montana the History of the One Hundredth Anniversary of the Framing and Promulgation of the Constitution of the United States of America.

I submit herewith for your inspection the work in two volumes furnished by Mr. E. W. Knight, as also a letter from Hampton L. Carson, Esq., who was secretary of the centennial commission for the celebration of the event of the adoption of the constitution of the United States. The letter addressed to Mr. Knight who was a delegate from Montana to said centennial commission. The work presents some very valuable and interesting history and it seems to me that such record should be placed among the archives of the territory and in each county, and especially proper at this time when about to put on full-fledged statehood in this great nation.

The constitution of this wonderful country has been a cardinal support through all those years and is to be the palladium of American freedom for all time to come.

Respectfully,

P. H. LESLIE.

The message and accompanying papers and documents were referred to committee on ways and means.

On motion of Thompson of Deer Lodge at 5 o'clock p. m. council adjourned until Monday at 10 o'clock a. m.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

### FIFTIETH DAY—MONDAY.

COUNCIL CHAMBER,  
Helena, Montana, March 4, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called all members present except Collins and Thompson of Silver Bow.

Prayer by the chaplain.

Journal of Saturday read and approved.

#### MOTIONS AND RESOLUTIONS.

Kennedy moved to reconsider vote whereby house amendments to council bill No. 21, were adopted.

So ordered.

Kennedy moved to non-concur in said house amendments, and that a conference committee be appointed.

So ordered.

Mr. President appointed as such committee Messrs. Kennedy, Thompson of Deer Lodge, and Mr. Olds.

#### GENERAL ORDERS.

Council resolved itself into committee of the whole.

Hoffman in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hoffman from the committee of the whole reported as follows:

*Mr. President:* Your committee of the whole begs leave to report consideration of bills as follows:

Council bill No. 37, relating to assessment life insurance companies, which they recommend be referred to a special committee of three for further consideration.

Also, council bill No. 33, relating to county surveyors. In regard to this bill your committee recommend the adoption of the amendments annexed thereto, in lieu of that reported by committee on roads and highways, and that as amended the bill do pass.

Also, council bill No. 41, relating to licenses, which your committee recommend be indefinitely postponed.

On motion of Kennedy, the report was adopted.

Council bill No. 37 was referred to a special committee composed of Thompson of Deer Lodge, Middleton and Brown.

Council bill No. 33 was ordered engrossed.

Council bill No. 41 was indefinitely postponed.

At 12 o'clock m., on motion of Thompson of Deer Lodge, council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred council bill No. 38, entitled "An act to provide for the recording of mining locations by a district mining recorder," beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 38 was passed to third reading.

#### THIRD READING OF BILLS.

Council bill No. 38 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Collins, Hoffman, Olds, Thompson of Deer Lodge, Mr. President.

Absent—Conrad, Hatch, Kennedy, Middleton, Thompson of Silver Bow—5.

Title agreed to.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 4, 1889.

*Gentlemen of the Legislative Assembly:*

I have appointed and hereby nominate for your advice and confirmation, Simeon R. Buford of the county of Madison, Granville Stuart of the county of Fergus, Edward Cardwell of the county of Yellowstone, Joseph Scott of the county of Custer, C. Wallis Taylor of the county of Choteau, J. S. Day of the county of Dawson, Phil H. Poindexter of the county of Beaverhead, Benjamin F. Myers of the county of Park, Patrick A. Largey of the county of Silver Bow and David Fratt of the county of Meagher, to be and constitute the board of stock commissioners for the territory of Montana, for the ensuing two years from and after the end of the present session of this legislative assembly.

Respectfully,

P. H. LESLIE.

The nominations were referred to the committee on grazing and stock raising.

## GENERAL ORDERS.

Council resolved itself into committee of the whole.

Hoffman in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Hoffman from committee of the whole reported progress on house bill No. 15, and asked leave to sit again.

So ordered.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 4, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that Murray has introduced without previous notice house bill No. 57, an act to add a section to chapter 42, fifth division compiled statutes of Montana.

That Messrs. Murray, Saxton and Haskell were appointed a

committee on the part of the house to confer with the council committee in regard to certain house amendments to council bill No. 21.

That house bills No. 1 and 47, have passed the house and are herewith transmitted for your consideration.

Respectfully submitted,

E. S. FRENCH, Acting Chief Clerk.

House bill No. 1, relating to levy of taxes and assessment of property was read first and second times and referred to committee on judiciary.

House bill No. 47, relating to limitation of actions was read first and second times and referred to committee on judiciary.

On motion of Brown at 5:15 o'clock p. m. council adjourned until to-morrow at 10 o'clock a. m.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.

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## FIFTY-FIRST DAY—TUESDAY.

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COUNCIL CHAMBER,  
Helena, Montana, March 6, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

### PETITIONS.

Petitions against granting to the Northern Pacific Railroad Company or any other corporation, the mineral lands on odd sections in Montana were received as follows:

By Middleton—From 43 citizens of Miles City.

By Kennedy—From 204 citizens of Jefferson county.

By Bickford—From 62 citizens of Missoula county.

By Mr. President—From 110 citizens of Lewis and Clarke county.



By Wm. M. Thompson—From 132 citizens of Deer Lodge county.

By Wm. Thompson—From 28 citizens of Silver Bow county.

By Olds—From 54 citizens of Madison county.

By Hatch—From 24 citizens of Park county.

The petitions were referred to the committee on mines and minerals.

#### REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment to whom was referred council bill No. 33, a bill to amend sections 898 and 900, fifth division compiled statutes, relating to the duties of county surveyors, and council bill No. 42, for an act to provide fees and compensation for the several counties of Montana, beg leave to report that they have examined the same and find them correctly engrossed.

Council bills Nos. 33 and 42 were passed to a third reading.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred house bill No. 1, relating to the levy of taxes and assessment of property, beg leave to report that they have had the same under consideration and report it back without recommendation.

House bill No. 1 was passed to general orders.

Also, *Mr. President:* Your committee on judiciary, to whom was referred house bill No. 39, relating to the Montana law library, beg leave to report that they have had the same under consideration and report it back with the following amendments, and recommend that it do pass as amended:

At the end of line 10 of the original bill add the following: "And said board shall render the next legislative assembly an itemized account of all reports, text books, statutes and other law books purchased under the provisions of this act, and the prices paid therefor."

After line 4, page 2, of the original bill add the following:

"And there is hereby appropriated annually for the salary of the librarian the sum of one thousand and eighty dollars, and section 1551, of the fifth division of the compiled statutes of Montana is hereby modified so as to conform to the provisions of this act."

House bill No. 39 and amendments were passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred house bill No. 35, relating to printing and posting city ordinances, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

House bill No. 35 was passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred house bill No. 43, relating to the appointment of a code commission, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do pass.

House bill No. 43, was passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred council bill No. 43, the bill for an act to amend section 229 of the probate practice act, beg leave to report that they have had the same under consideration and report it back, with the recommendation that it do pass.

Council bill No. 43 was passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred house bill No. 47, relating to the limitation of actions, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

House bill No. 43 was passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred council bill No. 53, the same being a bill for an act to amend section 229 of the probate practice act, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

Council bill No. 43 was passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred house bill No. 47, relating to the limitation of actions beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass.

House bill No. 47 was passed to general orders.

Also, *Mr. President*: Your committee on judiciary to whom was referred house bill No. 21, the same being a bill for an act to create a territorial board of examiners and prescribing its

duties, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do not pass.

House bill No. 21 was passed to general orders.

By Conrad:

*Mr. President:* Your committee to whom was referred house bill No. 20, an act to protect the owners of bottles, boxes and siphons, used in the sale of soda waters, mineral or aerated waters, cider, ginger ale or other aerated, non-intoxicating beverages, have carefully examined the same and report it back with the recommendation that it do pass.

House bill No. 20 was passed to general orders.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means, to whom was referred council joint resolution No. 13, to provide compensation for Frank R. Shaffer and John B. Jerome, accountants, having examined the same, report it back, and would recommend that it do pass.

Council joint resolution No. 13 was passed to general orders.

By Hatch:

*Mr. President:* Your committee on territorial affairs, to whom was referred council bill No. 34, a bill for an act requiring the county commissioners to provide books for road dockets, and defining the county recorder's duties in relation thereto, report the same back and recommend it do pass.

Council bill No. 34 passed to general orders.

Also, *Mr. President:* Your committee on territorial affairs, to whom was referred house bill No. 27, an act relating to county treasurers, herewith report the same back and recommend that it do not pass.

House bill No. 27 was passed to general orders.

Also, *Mr. President:* Your committee on territorial affairs, to whom was referred council bill No. 44, a bill for an act to prohibit gambling, herewith return the bill without recommendation.

HATCH,  
WILLIAM THOMPSON,  
Majority of committee.

Council bill No. 44 was passed to general orders.

By Collins:

*Mr. President:* Your committee on printing desires to report that they have examined council bill No. 50, for an act to provide for execution, levy and sale of certain animals running at large.

Also, Council bill No. 52, for an act concerning the publication of notices required by law to be posted and find the same correctly printed.

Council bill No. 50 was referred to committee on grazing and stock raising.

Council bill No. 52 was referred to committee on judiciary.

Also, *Mr. President:* Your committee on printing desire to report that they have examined council bill No. 46, for an act to provide for the levy of taxes and assessment of property and report the same back correctly printed.

Council bill No. 46 was referred to committee on judiciary.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means to whom was referred house concurrent resolution No. 11, limiting the time of introducing bills, having considered the same and recommend that it be made the special order for March 14, at midnight.

On motion of Hatch the report was adopted unanimously.

#### REPORTS OF SELECT COMMITTEE.

By Kennedy:

*Mr. President:* Your conference committee on council bill No. 22, relating to the protection of cemeteries and the remains of the dead, begs leave to report that the house committee will recommend to the house the further amendment of section 2, line 3, by striking out the words "place of" and your committee would recommend that when this amendment is made the council concur in the house amendment to strike out the words "place of sepulture" and insert the word "sepulchre" in lieu thereof.

The committee recommends the return of council bill No. 22 to the house for action in accordance with this report.

On motion of Mr. Thompson of Deer Lodge, the report was adopted.

## INTRODUCTION OF BILLS.

By Conrad:

Council bill No. 56, a bill to detach certain territory from Park county and attach the same to Yellowstone county.

On motion of Thompson of Deer Lodge, the rules were suspended. The bill was read the first and second times by title and referred to committee on towns and counties.

## MOTIONS AND RESOLUTIONS.

By Thompson of Silver Bow.

Council joint resolution No. 14, relating to depositing banners with Historical society of Montana.

Read first and second times.

On motion of Thompson of Silver Bow the rules were suspended, the resolution was read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—11.

Noes—none.

Absent—Conrad.

Title agreed to.

## REPORT OF SPECIAL COMMITTEE.

By Kennedy:

*Mr. President:* Your conference committee on council bill No. 21, concerning the supreme court reports, begs leave to report that the house conference committee will report in favor of amending the house amendments so that they will read sections three and four instead of two and three. Your committee would recommend that when this amendment is made that the house amendments be concurred in.

Your committee also recommends the return of the bills to the house for its action in accordance with this report.

On motion of Thompson of Deer Lodge the report was adopted.

## THIRD READING OF BILLS.

Council bill No. 33 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton and Thompson of Silver Bow—9.

Noes—Olds, Thompson of Deer Lodge and Mr. President—3.

Title agreed to.

Council bill No. 42 was read third time, and on motion of Thompson of Deer Lodge the word “continuously” in line 78 of section 6 was stricken out.

The bill was then passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

Title agreed to.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Hoffman in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hoffman, from committee of the whole, reported progress on house bill No. 15, and asked leave to sit again.

So ordered.

On motion of Thompson of Deer Lodge, at 12:15 o'clock m. council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 12 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 4, 1889.

*Mr. President:* I am directed by the house to inform your honorable body that house bill No. 45, relating to railroad corpor-



ations and council joint resolution No. 12, relating to payment of expenses of joint committee which visited the penitentiary &c., both of which have passed the house and are herewith transmitted to the council. That house joint resolution No. 9, for the relief of J. X. Biedler was lost by the following vote:

Ayes—7.

Noes—12.

Absent—5.

That the governor has notified this body that he has approved and signed house bill No. 24, concerning alimony in divorce cases.

Respectfully submitted,

E. S. FRENCH, Acting Chief Clerk.

Council joint resolution No. 12 was ordered enrolled.

Also, *Mr. President*: I am instructed by the house to inform your honorable body that the following notices of bills were given:

By Hunt—"A bill providing for the apportionment of members of the legislative assembly of Montana.

By Rea—"A bill to amend section 785 of the fifth division of the compiled statutes of Montana, relating to county commissioners.

By Rea—"A bill to define the meaning of the term "business houses" in section 911, fifth division, general laws.

By Waite—"A bill to allow the county commissioners of Choteau county a certain portion of Choteau county.

By Joslyn—"A bill entitled an estray bill, also, a bill to provide for the payment of jurors and witnesses.

Also, to inform you that Murray has introduced house joint resolution No. 12, for the relief of James Sullivan, referred to committee on elections and territorial affairs.

Also, that house bill No. 36, to change the boundary line between Gallatin and Madison counties, was lost by the following vote:

Ayes—8.

Nays—13.

Absent—3.

Also, that further consideration has been indefinitely postponed of house bill No. 17, creating a board of equalization.

Also, that the house has concurred in council amendments to house bill No. 18, providing for the registration of the names of electors, etc., excepting that portion which was added to section 6 which reads as follows: "And provided further that the registry agent upon the request of any two freeholders of the county or district in which he may reside, may order a hearing as to the qualifications of any elector who may be or demand to be registered under the provisions of this act. At such a hearing it shall be the duty of such registry agent to ascertain by competent evidence whether the voter or voters against whom complaints may be made are actually residents of the county in which they may apply to be registered and at such hearings no person so applying to be registered shall be deemed to have gained or lost a residence by reason of his temporary presence in or absence from Montana, nor to have gained a residence by reason of his having been engaged in the military service of the United States.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

On motion of Thompson of Deer Lodge, the regular order of business was dispensed with and general orders taken up.

#### GENERAL ORDERS.

Council resolved itself into a committee of the whole.

Hoffman in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Hoffman, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole beg leave to report consideration of the following bills:

House bill No. 15, to provide for the organization, regulation and discipline of the national guard of Montana. The committee recommend that all amendments reported by the committee on military affairs (except the amendments to section 44, line 8; section 48, line 7; sections 50 and 73) be adopted, and after the adoption of the further amendments by your committee of the whole annexed to the bill and herewith returned, that the bill do pass.

Also, that house bill No. 14, relating to dower rights of insane married women be referred to a special committee of which Mr. President shall be a member.

Also, that in council bill No. 23, regulating corporations, all be stricken out after the enacting clause.

On motion of Kennedy the report of the committee of the whole was divided and the recommendations taken up separately.

Recommendation and amendments to house bill No. 15 were adopted and referred to committee on engrossment.

House bill No. 14 was referred to a special committee to be appointed.

Council bill No. 23—The recommendation of committee to strike out all after the enacting clause was adopted by the following vote:

Ayes—Brown, Conrad, Hoffman, Olds, Thompson of Deer Lodge, Mr. President—6.

Nays—Bickford, Kennedy, Middleton, Thompson of Silver Bow—4.

Absent—Collins, Hatch—2.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 5, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and signed the bill No. 35, which originated in your body, entitled, "An act to establish a series of text books for the public schools of Montana."

Respectfully,

P. H. LESLIE.

Also:

*Gentlemen of the Legislative Council:*

Since nomination for your consent and approval on yesterday of Edward Cardwell of Yellowstone county to be a stock commissioner, I have learned that he will not accept the position, and therefore I now nominate and recommend for your approval E. Stanley Tutt of that county for the said position of stock commissioner. And I nominate for your consent and confirmation S. S. Huntley of the county of Lewis and Clarke for stock commissioner.

Respectfully submitted,

P. H. LESLIE.

The nominations were referred to the committee on grazing and stock raising.

The president appointed as committee on the part of the council on house bill No. 14, Middleton and Bickford. Mr. President was added to the committee by the recommendation of the committee of the whole.

On motion of Thompson of Deer Lodge, at 5:30 o'clock p. m. council took a recess until 7:30 o'clock p. m.

#### EVENING SESSION.

Council resumed at 7:30 o'clock p. m.

Bickford in the chair.

Roll called—quorum present.

On motion of Thompson of Deer Lodge the regular order of business was dispensed with and council resolved itself into a committee of the whole.

Bickford in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Bickford from committee of the whole respectfully report consideration of the following bills and recommend:

That the amendments annexed to house bill No. 50, for appointment of a private secretary to the governor be adopted and that as amended the bill do pass.

Also, that house bill No. 1, to add a section to an act to provide for the levy of taxes and the assessment of property, approved September 14, 1887, do not pass.

That the amendments to house bill No. 39, concerning Montana law library, reported by committee on judiciary be adopted. That the bill be further amended by striking out the words, "And approval by the governor," and that as amended the bill do pass.

That the amendments amended to house bill No. 35, relating to printing and posting city ordinances, be adopted, and as amended the bill do pass.

That council bill No. 43, to amend section 229 of the probate practice act do pass.

On motion of Thompson of Deer Lodge, the report was received and with amendments was adopted.

Amendments to house bill No. 40, were ordered engrossed.

House bill No. 1 was passed to third reading.

Amendments to house bill No. 39 were ordered engrossed.

Amendments to house bill No. 35 were ordered engrossed.

Council bill No. 43 was ordered engrossed.

#### REPORTS OF COMMITTEES.

By Kennedy:

*Mr. President:* Your committee on enrollment begs leave to report that house joint resolution No. 10, concerning the payment for telegrams, and house bill No. 31, repealing the statute requiring signs on gambling houses have been correctly enrolled.

Mr. President announced the signing of house joint resolution No. 10 and house bill No. 31.

By Bickford:

*Mr. President:* Your special committee to whom was referred council bill No. 18, providing for the safety of passengers traveling by rail, beg leave to report that they have had the same under consideration and report the same back with an amendment attached by your committee without recommendation.

Council bill No. 18 was passed to general orders.

By Thompson of Deer Lodge:

*Mr. President:* Your special committee having under consideration council bill No. 37, entitled "An act to amend section 604 of the fifth division of the compiled statutes of Montana territory, beg leave to report the same back with the attached amendments, and recommend that as amended it do pass.

Council bill No. 37 was passed to general orders.

Brown moved to adjourn.

Motion lost.

By Middleton:

*Mr. President:* Your committee on towns and counties, to whom was referred council bill No. 55, changing the boundary line between Cascade and Meagher counties, beg leave to report that they have had the same under consideration and report it back without recommendation.

Council bill No. 55 was passed to general orders.

By Collins:

*Mr. President:* Your committee on printing beg leave to report that they have examined council bill No. 53, for an act to amend section 1953, of the fifth division of the compiled statutes of Montana, concerning school houses and find the same correctly printed.

Council bill No. 53 was ordered to committee on judiciary.

By Olds:

*Mr. President:* Your committee on incorporations, to whom was referred house bill No. 26, beg leave to report the same back to the council without recommendation.

House bill No. 26 was passed to general orders.

Thompson of Silver Bow moved to adjourn.

Motion lost.

#### THIRD READING OF BILLS.

House bill No. 1 was read third time and lost by the following vote:

Ayes—Kennedy—1.

Noes—Brown, Bickford, Collins, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—9.

Absent—Conrad and Hoffman—2.

Collins moved to adjourn, upon which Kennedy called for the yeas and nays.

The roll was called with the following result:

Ayes—Brown, Bickford, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Mr. President—9.

Nays—Thompson of Silver Bow—1.

Absent—Conrad, Hoffman—2.

At 9:40 o'clock, p. m., council adjourned until 10 o'clock, a. m., to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.



## FIFTY-SECOND DAY—WEDNESDAY.

## COUNCIL CHAMBER,

Helena, Montana, March 6, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Hoffman—from 30 citizens of White Sulphur Springs, relating to mineral lands claimed by the Northern Pacific railroad company.

Referred to committee on mines and minerals.

## REPORTS OF STANDING COMMITTEES.

By Hatch:

*Mr. President:* Your committee on territorial affairs having examined house bill No. 30, an act to amend section 6 of an act entitled; "An act concerning licenses, approved September 14, 1887," herewith transmit the same and recommend that it do pass.

House bill No. 30 was passed to general orders.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means herewith return council bill No. 54, a bill for an act to reimburse sheriff for board of prisoners, and house bill No. 42, an act requiring county treasurers to advertise in newspapers a list of warrants that they have funds in their hands to redeem. Your committee return these bills without recommendation.

Council bill No. 54, and house bill No. 42 was passed to general orders.

By Olds:

*Mr. President:* Your committee on mines and minerals, to

whom was referred house bill No. 16, a bill to create the office of inspector of mines, beg leave to report the same back with the annexed amendments and recommend that it do pass as amended.

House bill No. 16 was passed to general orders.

Also, *Mr. President*: Your committee on mines and minerals, to whom was referred petitions containing the names of 684 citizens praying that the sixteenth legislative assembly of Montana, memorialize the congress of the United States in relation to the mineral lands claimed by the land grant railroads in Montana have had the same under consideration and beg leave to report the accompanying council joint memorial and recommend that it do pass.

Council joint memorial No. 15, on motion of Thompson of Deer Lodge the rules were suspended, read first and second times by title and referred to general orders.

#### SELECT COMMITTEES.

By Bickford:

*Mr. President*: Your special committee to confer with a like committee of the house upon the amendment offered by the council to house bill No. 18, relating to the registration of voters the same being an amendment providing that registers of electors where objection is made to the registration of any such, would most respectfully report.

That after conferring with the house committee and carefully considering the matter, your committee would recommend that the council recede from its amendment.

On motion of Thompson of Deer Lodge, the report and recommendations were adopted.

By Collins:

*Mr. President*: Your committee on printing has examined council bill No. 51, for an act relating to appeals from the decision of boards of county commissioners, and find the same correctly printed.

Council bill No. 51 was referred to committee on ways and means.

#### INTRODUCTION OF BILLS.

By Thompson of Silver Bow, by leave:

Council bill No. 57, relative to liens.

Read first and second times and ordered printed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 5, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that Moore introduced without previous notice house bill No. 58, an act to prevent the sale of certain noxious drugs.

Ordered printed.

Also to inform you that the house has appointed in compliance with your request Messrs. Moore, Hunt and Blakely, as house members of conference committee in regard to council amendments to section 6, of house bill No. 18.

Also, to return to you council joint resolution No. 14, relating to the banners presented by the delegation of the legislature of Dakota, which passed the house under a suspension of the rules, by the following vote:

Ayes—18.

Nays—none.

Absent—6.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Council joint resolution No. 14 was ordered enrolled.

House bill No. 45 was read first and second times and passed to general orders.

## GENERAL ORDERS.

Council resolved itself into committee of the whole.

Bickford in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Bickford, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole having considered the following memorial and bills beg leave to report the same back with the recommendations that amendments annexed to council joint memorial No. 15, relating to mineral lands claimed by Northern Pacific railroad company, be adopted and the passage of the memorial as amended.

That house bill No. 14, relating to public examiner, be indefinitely postponed.

That house bill No. 43, relating to codification of laws of Montana, being under consideration, your committee asks leave to sit again.

On motion of Bickford the report was received and adopted.

Council joint memorial No. 15, on motion of Middleton, was considered engrossed.

Read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Nays—none.

Absent—Kennedy—1.

Council bill No. 14 was indefinitely postponed.

On motion of Conrad, at 12 o'clock m. the council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

On motion of Middleton the regular order of business was dispensed with and council resolved itself into a committee of the whole.

Bickford in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Bickford from the committee of the whole reported as follows:

*Mr. President:* Your committee of the whole having considered the following bills beg leave to report the same back and to recommend that house bill No. 43, relating to the codification of the laws of Montana be referred to a special committee.

House bill No. 47, relating to limitation of actions is reported back without action.

House bill No. 20, to protect owners of bottles, boxes, etc., used in the sale of non-intoxicating beverages, be amended by striking out of section 2 the word "handed" and inserting the word "handled" in lieu thereof and that as amended the bill do pass.

House bill No. 21, to create a territorial board of examiners be indefinitely postponed.

Council bill No. 34, relating to road dockets, etc., be amended by inserting in line two after the word "recorders," the words, "so far as possible," and that as amended the bill do pass.

That house bill No. 27, relating to county treasurers do not pass.

On motion of Thompson of Deer Lodge the report was adopted.

House bill No. 43, was referred to a special committee, consisting of Middleton, Thompson of Deer Lodge, and Hoffman.

House bill No. 47, was passed to third reading.

House bill No. 20, was ordered engrossed.

Council joint resolution No. 13, was ordered engrossed.

House bill No. 21, was indefinitely postponed.

House bill No. 27 was passed to third reading.

Council bill No. 34 was ordered engrossed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 6, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the following bills have been introduced:

By Joslyn—House bill No. 59, an act providing for the taking up of estrays and the disposition to be made of the same.

By Rea—House bill No. 60, an act to amend section 911, fifth division, general laws, relating to business hours.

By Rea—House bill No. 61, an act to amend section 785, fifth division, compiled statutes, relating to county commissioners.

All of which were ordered printed.

Also to transmit to you house bill No. 37, an act concerning

stenographers of the district court which passed the house by the following vote.

Ayes—22.

Noes—0.

House bill No. 33, "To prevent swine from running at large," which passed the house by the following vote:

Ayes—15.

Nays—7.

Absent—2.

Also to return to you council bill No. 1, with house substitute therefor, which substitute passed the house by the following vote:

Ayes—15.

Noes—7.

Absent—2.

Also, to inform you that the house has adopted the conference committee's report in regard to house amendments to council bill No. 21, whereby amendments to sections No. 2 and 3 are numbered sections 3 and 4.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Collins moved to adjourn.

Motion lost.

House bill No. 37 was read first and second times and referred to judiciary committee.

House bill No. 33 was read first and second times and referred to committee on towns and counties.

Hoffman moved to adjourn.

Motion lost.

House substitute to council bill No. 1 was read and passed to general orders.

Council bill No. 21 was ordered enrolled.

On motion of Hatch, at 5:05 o'clock p. m. the council adjourned until 10 o'clock to-morrow.

CHARLES K. COLE, President.

JNO. R. EARDLEY, Chief Clerk.



## FIFTY-THIRD DAY—THURSDAY.

COUNCIL CHAMBER,  
Helena, Montana, March 7, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and all members present.

Prayer by the chaplain.

Thompson of Silver Bow in the chair.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

By Middleton:

*Mr. President:* Your committee on towns and counties, to whom was referred council bill No. 25, council bill No. 56, house bill No. 33 and council bill No. 36, beg leave to report they have had the same under consideration and respectfully report as follows:

Council bill No. 56, reported back without recommendation.

House bill No. 33, reported back with the recommendation that it do not pass.

Council bill No. 36, reported back with the following amendments and recommend it to pass as amended:

Section 1, line 47—Amended by striking out the word "six" and insert in lieu thereof the word "ten."

Section 1, line 48—amend by striking out the word "six" and insert in lieu thereof the word "ten."

Section 1, line 48—Amend by striking out the words "one foot" and insert in lieu thereof the words "two feet."

Section 1, lines 52 and 53—Amended by striking out the words "three-quarters of an inch" and insert in lieu thereof the words "two inches."

Section 1, line 53—Amend by inserting after the word "diameter," the words "which may be either solid iron or gas pipe."

Section 1, line 53—Amend by striking out the words “one foot” and inserting in lieu thereof the words “two and one-half feet.”

Council bill No. 56, council bill No. 25, house bill No. 33 and council bill No. 36, with amendments, were passed to general orders.

By Conrad:

*Mr. President:* Your committee on grazing and stock growing, to whom was referred the message from his Excellency, P. H. Leslie, governor, announcing the nominations of the following parties: S. R. Buford, Madison county; Granville Stuart, Fergus county; E. S. Tutt, Yellowstone county; Joseph Scott, Custer county; C. W. Taylor, Choteau county; J. S. Day, Dawson county; Phil H. Poindexter, Beaverhead county; B. F. Myers, Park county; P. A. Largey, Silver Bow county; David Fratt, Meagher county; S. S. Huntley, Lewis and Clarke county, for the office of stock commissioners for the territory, respectfully recommend that they be confirmed.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred council bill No. 52, concerning the publication of notices required by law to be posted, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do not pass.

Council bill No. 52 was passed to general orders.

Also, *Mr. President:* Your committee on judiciary, to whom was referred house bill No. 37, concerning the appointment of stenographers by the district courts, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do pass.

House bill No. 37 was passed to general orders.

#### MOTIONS AND RESOLUTIONS.

By Bickford—Council joint resolution No. 16.

Read first and second times and passed to general orders.

#### REPORTS OF COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment to whom was referred the following bills and amendments, viz:

Council bill No. 43, a bill for an act to amend section 229 of the probate practice act.

Council joint resolution No. 13, to provide compensation for Frank R. Shaffer and John V. Jerome, accountants.

Amendments to house bill No. 39, an act concerning the Montana law library.

Amendments to house bill No. 30, an act to provide for the appointment of a private secretary to the governor.

Also, amendments to house bill No. 15, an act to provide for the organization, etc., of the national guard of Montana, beg leave to report that they have examined the same and find them correctly engrossed.

Council bill No. 43, council joint resolution No. 13, house bill No. 20, house bill No. 35, house bill No. 39, house bill No. 50 and house bill No. 15 were passed to third readings.

By Hoffman:

*Mr. President:* Your committee on education and labor, who have had under consideration council bill No. 48, report it back with the recommendation that it do pass.

Council bill No. 48 was passed to general orders.

#### THIRD READING OF BILLS.

House bill No. 47 was read third time and passed by the following vote:

Ayes—Bickford, Conrad, Hatch, Kennedy, Middleton, Olds and Thompson of Silver Bow—7.

Noes—Brown, Collins, Hoffman, Thompson of Deer Lodge—4.

Absent—Mr. President—1.

Kennedy moved to amend title by inserting "first division of."

So ordered.

Title as amended agreed to.

House bill No. 27, on motion of Middleton the rules were suspended. Read third time by title and lost by the following vote:

Ayes—none.

Noes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—11.

Absent—Mr. President.

House bill No. 20—On motion of Kennedy the rules were suspended.

Read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hoffman, Hatch, Middleton and Thompson of Deer Lodge—7.

Noes—Collins, Kennedy, Olds, Thompson of Silver Bow—4.

Absent—Mr. President—1.

Title agreed to.

House bill No. 15—On motion of Kennedy, the rules were suspended.

Bill was read third time by title.

On motion of Thompson of Deer Lodge, the words “without compensation” were stricken out of last line of substitute for section 6.

The bill as amended was passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—none.

Title agreed to.

Mr. President resumed the chair.

Council joint resolution No. 13 read third time and passed by the following vote:

Ayes—Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—11.

Noes—Brown—1.

Title agreed to.

Council bill No. 43 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—0.

Title agreed to.

House bill No. 35, was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge, Mr. President---9.

Noes—Collins, Kennedy, Thompson of Silver Bow—3.

Title agreed to.

House bill No. 39, was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President---12.

Noes---none.

Title agreed to.

#### GENERAL ORDERS.

Council resolved itself into committee of the whole.

Olds in the chair.

Committee arose.

Council resumed.

Olds in the chair.

On motion of Bickford, at 12:15 o'clock council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

Olds from committee of the whole reported as follows:

*Mr. President:* Your committee of the whole having considered the following bills, begs leave to report back council bill No. 18, to provide for the safety of passengers traveling by rail, without recommendation, and to report progress on council bill No. 48, and ask leave to sit again.

Report adopted.

Council bill No. 18 was passed to engrossment.

By Kennedy:

*Mr. President:* Your joint enrolling committee begs leave to

report that council bill No. 21, concerning supreme court reports; council joint resolution No. 12, concerning expenses of joint committee of legislative assembly visiting penitentiary and state asylum; council joint resolution No. 14, concerning the Dakota banners, and house bill No. 18, concerning the registration of voters, have been correctly enrolled.

By Thompson of Deer Lodge.

*Mr. President:* Your committee on engrossment, to whom was referred council bill 34, entitled an act requiring the county commissioners to provide books for road dockets and defining the county recorder's duties in relation thereto, beg leave to report that they have carefully compared the same and find it correctly engrossed.

Council bill No. 34 was passed to third reading.

#### PETITION.

By Kennedy—From 103 citizens of Montana territory, asking the passage of a bill annexed to petition concerning overdrafts.

The petition was referred to judiciary committee.

#### INTRODUCTION OF BILLS.

By Bickford, by leave—Council bill No. 58, relating to compensation of jurors.

On motion of Bickford, the rules were suspended.

The bill was read first and second times by title and passed to general orders.

#### MESSAGE FROM THE HOUSE.

#### HOUSE OF REPRESENTATIVES,

Helena, Montana, March 6, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body house bill No. 44, "prohibiting lotteries," which passed the house by the following vote:

Ayes—22.

Noes—none.

Absent—2.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

House bill No. 44—On motion of Bickford the rules were suspended, the bill was read first and second times by title and referred to committee on territorial affairs.



Also, *Mr. President*: I am instructed by the house to transmit to your honorable body house bill No. 38, relating to toll roads, &c., which passed the house by the following vote:

Ayes—18.

Noes—1.

Absent—5.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 38 was read first and second times and referred to committee on roads and highways.

#### THIRD READING OF BILLS.

House bill No. 50 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President---12.

Noes---none.

Title agreed to.

Council bill No. 34 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—0.

Title agreed to.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Olds in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Olds from the committee of the whole reported progress on council bill No. 48 and asked leave to sit again.

So ordered.

Mr. President announced the signing of council bill No. 21, council joint resolution No. 12, council joint resolution No. 14 and house bill No. 18.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,

EXECUTIVE OFFICE,

Helena, Montana, March 7, 1889.

*Gentlemen of the Legislative Council:*

I nominate for your advice and consent to be members of the board of Medical examiners for the territory of Montana:

Dr. E. D. Leavitt, of the county of Silver Bow, to serve till the 31st of December, 1895.

Dr. Ernest Curtcher, of the county of Cascade, to serve until the 31st of December, 1894.

Dr. Chas. F. Mussigbrod, of the county of Deer Lodge, to serve until the 31st of December, 1893.

Dr. W. M. Bullard of the county of Jefferson, to serve until 31st of December, 1889.

Dr. J. B. Atchison, of the county of Lewis and Clarke, to serve until the 31st of December, 1890.

Dr. Frank S. Hedges, of the county of Missoula, to serve until the 31st of December, 1891.

Dr. R. M. Whitefoot, of the county of Gallatin to serve until he 31st of December, 1892.

Respectfully,

P. H. LESLIE.

Hoffman moved to go into executive session.

Motion lost.

Nominations of the governor were referred to the committee on territorial affairs.

Thompson of Deer Lodge moved to take a recess until 7 o'clock p. m.

Bickford moved as an amendment to adjourn.

Motion lost.

Original motion carried, and council at 5:40 o'clock p. m. took a recess until 7 o'clock p. m.

## EVENING SESSION.

Council met at 7 o'clock p. m.

Mr. President in the chair.

Roll called—no quorum present.

On motion of Thompson of Silver Bow, council took a recess for 20 minutes.

Council resumed at 7:26 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

## PETITIONS.

By Kennedy---From 23 citizens of Montana territory, asking the passage of a bill concerning overdrafts.

The petition was referred to committee on judiciary.

## REPORT OF STANDING COMMITTEES.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred house bill No. 46, providing for the levy of taxes and assessment of property, beg leave to report that they have had the same under consideration and report it back with the recommendation. that it do pass.

Council bill No. 46 was passed to general orders.

On motion of Kennedy, council resolved itself into a committee of the whole.

Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole begs leave to report consideration of council bill No. 48, relating to public schools, etc., and recommend its passage after adoption of the amendments annexed thereto.

That the amendments to council bill No. 37, relating to assessment life insurance companies, as reported by committee of the

whole and by special committee to whom the bill was referred be adopted and that as amended the bill do pass.

Also, that council bill No. 55, to change the boundary lines between Cascade and Meagher counties do pass.

On motion of Kennedy report and amendments were adopted and council bills Nos. 48, 37 and 55 were ordered engrossed.

#### NOTICES OF BILLS.

By Kennedy:

*Mr. President:* I hereby give notice that I will on to-morrow or some subsequent day ask leave to introduce a bill relating to overdrafts.

#### PETITION.

By Thompson of Deer Lodge---From 34 citizens of Deer Lodge county, asking for the passage of council bill No. 54.

At 9 o'clock p. m., on motion of Middleton, council adjourned until 10 o'clock a. m. to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

#### FIFTY-FOURTH DAY—FRIDAY.

COUNCIL CHAMBER,  
Helena, Montana, March 8, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

#### PETITIONS.

By Thompson of Silver Bow—From 200 citizens of Silver Bow county, relating to mechanic's lien law.

Referred to committee on ways and means.

#### REPORTS OF STANDING COMMITTEES.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was

referred council bill No. 53, concerning school bonds beg. leave to report that they have have had the same under consideration and report it back with the recommendation that it do pass.

Council bill No. 53 was passed to general orders.

Also, *Mr. President*: Your committee on judiciary, to whom was referred council bill No. 47, relating to chattle mortgages, beg leave to report that they have had the same under consideration and report the same back with the recommendation that it do not pass.

Council bill No. 47 was passed to general orders.

By Kennedy:

*Mr. President*: Your committee on enrollment begs leave to report that council bill No. 21, concerning supreme court reports, council joint resolution No. 12, concerning expenses of committee visiting penitentiary and insane asylum, and council joint resolution No. 14, concerning the Dakota banners, were presented to the governor for his consideration at 9:50 a. m., March 8, 1889.

Also, that house bill No. 18, concerning the registration of voters, was presented to the governor for his consideration at 8 p. m. March 7, 1889.

Also, that house bill No. 20, concerning boxes, bottles, siphons, &c., has been correctly enrolled.

By Thompson of Deer Lodge:

*Mr. President*: Your committee on engrossment, to whom was referred council bill No. 18, an act to provide for the safety of passengers traveling by rail in the territory of Montana, beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 18 was passed to third reading.

By Thompson of Silver Bow:

*Mr. President*: Your committee on ways and means, to whom was referred the names of James Sullivan and E. G. Pruitt, nominated by the governor for the offices of auditor and treasurer, would respectfully report the names back to the council without recommendation for confirmation.

Passed to unfinished business.

By Thompson of Silver Bow:

*Mr. President*: Your committee on ways and means, to whom was referred the communication of Hampton L. Carson

to E. W. Knight, commissioners, together with certain bound volumes containing the history of the one hundredth anniversary of the framing and promulgation of the constitution of the United States as celebrated at Philadelphia in September of 1887.

The said communication requests the purchase by the territory of a number of these volumes for distribution.

Your committee have examined the volumes and find them full of instruction and interesting matter and works that would be valuable additions to any library, but your committee does not feel warranted at this time in recommending any appropriation from the territorial treasury for their purchase.

The report was referred to general orders.

By Collins:

*Mr. President:* Your committee on printing, to whom was referred council bill 49, for an act concerning the administration of public schools in incorporated cities, desire to report that they have examined the same and find it correctly printed.

Council bill No. 49 was referred to committee on education and labor.

#### INTRODUCTION OF BILLS.

By Kennedy—Council bill No. 59, read first and second times and on motion of Kennedy was referred to committee on judiciary without printing.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 7, 1889.

*Mr. President:* I am directed by the house to return to you house bill No. 50, with the request that such information will be furnished as will enable them to act intelligently, there being amendments attached to the bill of which the message makes no mention.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President:* I am instructed by the house to inform you that the following bill was introduced:

House bill No. 62—By Waite, "An act providing for the extension of the northern boundary of Fergus county."

Referred to committee on towns, counties and highways.



Also, to transmit to you house bill No. 29, relating to trust safe deposit and security associations, which passed the house by the following vote:

Ayes—20.

Nays—3.

Absent—1.

Also to inform you that the house has adopted amendments to council bill No. 17, recommended by joint committee, and the same are hereby transmitted.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

House bill No. 29—On motion of Kennedy the rules were suspended.

Read first and second times by title and referred to committee on judiciary.

Council bill No. 17 was ordered enrolled.

Also, *Mr. President*: I am instructed by the house to inform your honorable body that the house has concurred in council amendments to house bill No. 20, relating to bottles, boxes, siphons, etc.

Council amendments to house bill No. 39, relating to the Montana law library.

Council amendments to house bill No. 35, relating to the printing and posting of city ordinances.

Council amendments to house bill No. 47, relating to limitation of actions.

Respectfully submitted,  
BENJ. WEBSTER, Chief Clerk.

#### THIRD READING OF BILLS.

Council bill No. 18 was read third time and passed by the following vote:

Ayes—Bickford, Hoffman, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—7.

Nays—Brown, Conrad, Collins, Middleton, Mr. President.—5.

Middleton moved to amend the title so as to read, "An act requiring railroad companies to fence their tracks.

Thompson of Deer Lodge moved to amend by adding to

present title after the word "rail" the following: "And requiring railroad companies to fence their tracks."

Amendment carried.

Title as amended agreed to.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Middleton in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Middleton, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole begs leave to report consideration of the following bills, and do recommend:

That house bill No. 30, concerning licenses for the sale of liquors, do not pass.

That house bill No. 42, requiring county treasurers to advertise warrants which there are funds on hand to redeem do pass.

House bill No. 16, creating the office of inspector of mines being under consideration, your committee ask leave to sit again.

On motion of Brown the report was adopted.

House bill No. 30 and house bill No. 42 were passed to third reading.

At 12:15 o'clock m., on motion of Thompson of Silver Bow council took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 47, concerning limitations of actions; house bill No. 35, concerning the posting of city or town ordinances, and house bill No. 39, concerning the Montana law library, have been correctly enrolled.

The president announced the signing of house bill No. 20.

On motion of Thompson of Deer Lodge, the regular order of business was passed and council resolved itself into a committee of the whole.

Middleton in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Middleton, from committee of the whole, begs leave to report consideration of the following bills and recommends:

That house bill No. 16, to create the office of mine inspector, etc., reported by the committee on mines and minerals, as amended by your committee, together with the amendments adopted by your committee and herewith returned, be adopted, and that the bill as amended be passed.

That house bill No. 45, relating to railroad corporations, do not pass.

The adoption of amendments annexed to council bill No. 46, relating to assessment of property and levy of taxes, and passage of the bill as amended.

Council bill No. 25, to define and establish the eastern boundary line of Deer Lodge county, is reported back without recommendation.

Amendments to house bill No. 16 and council bill No. 16 were adopted and the bills passed to engrossment.

Council bill No. 25 was ordered engrossed.

House bill No. 45 was passed to third reading.

#### REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your joint enrolling committee begs leave to report that house bill No. 50, providing for the appointment of a private secretary to the governor, has been correctly enrolled.

Mr. President announced the signing of house bill No. 35, house bill No. 47 and house bill No. 39.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 8, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and signed council joint resolution No. 12, entitled, "Council joint resolution to defray the expenses of the joint committee visiting the penitentiary and insane asylum, council joint resolution No. 14, entitled, "Council joint resolution No. 14," and the bill which originated in your body, No. 21, entitled, "An act to amend sections 1993 and 1995 of the fifth division general laws of the compiled statutes of Montana, relating to the supreme court of Montana."

Respectfully,

P. H. LESLIE.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 8, 1889.

*Mr. President:* I am directed by the house to inform your honorable body that Hunt introduced without previous notice, house bill No. 63, an act to repeal section 1595, fifth division of the compiled statutes of Montana, relating to [territorial] officers.

Referred to committee on elections and territorial affairs.

Also to inform you that the house has concurred in council amendments to house bill No. 15, relating to the Montana national guard.

Also to transmit to your honorable body house bill No. 34, relating to the locating and recording of mining claims, which passed the house by the following vote:

Ayes—21.

Noes—1.

Absent—2.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President:* I am directed to inform your honorable body that the house has concurred in council amendments to house bill No. 50, providing for a private secretary to the governor.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

House bill No. 34---On motion of Bickford, the rules were suspended.

Bill read first and second times by title and referred to committee on mines and minerals.

#### INTRODUCTION OF BILLS.

By Bickford, by leave—Council bill No. 60, relating to times of meeting of county commissioners.

Read first and second times and passed to general orders.

By Collins, by leave—Council joint resolution No. 17, for relief of Shonkin Stock Association.

Read first and second times and referred to committee on grazing and stock raising.

Conrad moved to adjourn.

Motion lost.

#### THIRD READING OF BILLS.

House bill No. 42 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Mr. President—10.

Nays—Thompson of Deer Lodge—1.

Absent—Thompson of Silver Bow.

Title agreed to.

House bill No. 30, on motion of Kennedy, passed on file.

House bill No. 45—On motion of Kennedy the rules were suspended.

Bill read third time by title and lost by the following vote:

Ayes—none.

Noes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Mr. President—11.

Absent—Thompson of Silver Bow—1.

On motion of Thompson of Deer Lodge at 5 o'clock p. m. council adjourned until 10 o'clock a. m. to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

## FIFTY-FIFTH DAY—SATURDAY.

COUNCIL CHAMBER,  
Helena, Montana, March 9, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—all members present except Thompson of Silver Bow and Conrad.

Prayer by the chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Middleton—From 42 citizens of Silver Bow county, asking for the passage of council bill No. 53.

Referred to committee on education and labor.

## REPORTS OF COMMITTEES.

By Hoffman:

*Mr. President:* Your committee on education and labor, to whom was referred council bill No. 49, beg leave to report the same back with amendments, and as amended recommend it do pass.

Council bill No. 49 was passed to general orders.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred the nominations of W. E. Cullen for attorney general, and Miss Lou Guthrie for territorial librarian, beg leave to report that they have had the same under consideration and report them back without recommendation for confirmation.

Report was passed to unfinished business.

By Kennedy:

*Mr. President:* Your joint committee on enrollment beg leave to report that house bill No. 20, an act to protect owners of bottles, boxes and siphons; house bill No. 35, an act to amend section 334 of the compiled statutes of Montana; house bill No.



39, an act concerning the Montana law library, and house bill No. 47, an act to amend sections 41 and 44, chapter 3, of the first division of the compiled statutes of Montana, were handed the governor for his consideration at 9:50 this a. m., March 9th, 1889.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment to whom was referred council bill No. 39, relating to asseesment of life insurance companies, beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 37 was passed to third reading.

By Middleton:

*Mr. President:* Your special committee to whom was referred house bill No. 43, the same being a bill for an act providing for the appointment of a commission to codify, beg leave to report that they have had the same under consideration and report it back with the following amendments and with such amendments that it do pass.

House bill No. 43 was passed to general orders.

By Middleton:

*Mr. President:* Your special committee to whom was referred house bill No. 14, the same being an act authorizing the conveyance of the dower rights of insane married women, beg leave to report that they have had the same under consideration and report it back with the recommendation that it do pass with the annexed amendments.

House bill No. 14 was passed to general orders.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 8, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the house has indefinitely postponed further consideration of council bill No. 33, "relating to the duties of county surveyor;" also, to return to you council joint resolution No. 13, to provide compensation for Frank A. Shaffer and John V. Jerome, accountants, which passed the house.

Ayes—18.

Nays—none.

Absent—6.

Also, council bill No. 12, relating to the drawing of juries with house substitute therefor, which latter passed.

Ayes—19.

Nays—none.

Absent 5.

Also, council bill No. 8, which, with the amendments herewith transmitted, passed the house.

Ayes—17.

Nays—1.

Absent—6.

Entitled to provide for printing and distributing ballots, etc.

Also, to transmit to you house bill No. 63, an act to repeal section 1595 of the fifth division of the compiled statutes of Montana, relating to territorial officers, which passed the house.

Ayes—19.

Nays—none.

Absent—5.

Also, house bill No. 46, relating to the appointment of deputy veterinary surgeons.

Ayes—19.

Noes—none.

Absent—5.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Council joint resolution No. 13 was ordered enrolled.

Council bill No. 12 with house substitute was read, and on motion of Middleton was referred to the committee on judiciary.

Council bill No. 8 with house amendments—On motion of Kennedy, all amendments were concurred in except those made to sections 18 and 20, and a conference committee was appointed consisting of Kennedy, Olds and Hatch.

House bill No. 63 was read first and second times, and on motion of Kennedy was passed to third reading.

House bill No. 46—On motion of Thompson of Deer Lodge read first and second times by title and referred to committee on grazing and stock raising.

## THIRD READING OF BILLS.

House bill No. 30 was read third time and lost by the following vote:

Ayes—Collins, Hatch, Middleton—3.

Nays—Brown, Bickford, Hoffman, Kennedy, Olds, Thompson of Deer Lodge, Mr. President—7.

Absent—Conrad, Thompson of Silver Bow—2.

Council bill No. 37 read third time and passed by the following vote:

Ayes—Brown, Bickford, Collins, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge and Mr. President—9.

Noes—Kennedy—1.

Absent—Conrad, Thompson of Silver Bow—2.

Title agreed to.

House bill No. 63 read third time and passed by the following vote:

Ayes—Brown, Bickford, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Mr. President—10.

Absent—Conrad, Thompson of Silver Bow—2.

Title agreed to.

## REPORTS OF COMMITTEES.

By Hatch:

*Mr. President:* Your committee on roads and highways return herewith council bill No. 30, an act concerning roads and highways with committee amendments and recommend adoption of amendments and that it do pass.

Council bill No. 30 with amendments was passed to general orders.

On motion of Brown, council bill No. 2 was taken from the table and passed to general orders.

## GENERAL ORDERS.

Council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hatch, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole begs leave to report that council bill No. 36, relating to town and village plats, has been considered and amended and recommend the adoption of the amendment and passage of the bill as amended.

On motion of Bickford the report was adopted and bill ordered engrossed.

#### REPORTS OF COMMITTEES.

By Hoffman:

*Mr. President:* Your committee on education and labor, to whom was referred the nomination of A. C. Logan as territorial superintendent of public instruction, beg leave to report the same back with favorable recommendation.

Report was passed to unfinished business.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report council joint resolution No. 13, providing compensation for F. J. Shaffer and J. V. Jerome and council bill No. 17, concerning when laws shall take effect and house bill No. 42, requiring county treasurers to advertise warrants which can be paid, and report the same correctly enrolled.

Mr. President announced the signing of house bill No. 50, council joint resolution No. 13, and council bill No. 17.

On motion of Kennedy, at 12:15 o'clock m., the council took a recess until 2 o'clock p.m.

#### AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

#### REPORTS OF COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred council bill No. 25, a bill for an act to define the eastern boundary of Deer Lodge county; council bill No. 55, a bill for an act to change the boundary line between Cascade and Meagher counties, and amendments to house bill No. 16, a bill for an act to create the office of inspector of mines and to define

his duties, beg leave to report that they have examined the same and find them correctly engrossed.

Council bills Nos. 25 and 55 and house bill No. 16 were passed to third reading.

By Kennedy:

*Mr. President:* Your conference committee on house amendments to council bill No. 8 would respectfully report that the house committee will recommend the house to recede from its amendment to section 18, and to amend the house amendment to section 20 by striking out the words "this act" and substituting therefor the words "section 1013, fifth division, compiled statutes of Montana."

Your conference committee would recommend the return of council bill No. 8 to the house for action by that body in accordance with that report.

On motion of Kennedy the report was adopted.

By Hoffman:

*Mr. President:* Your committee on education and labor, to whom was referred the petition from residents of Butte, praying for the passage of council bill No. 53, beg leave to report the same back with recommendation that the prayers of the petitioners be granted.

#### GENERAL ORDERS.

On motion of Middleton, council resolved itself into committee of the whole.

Hatch in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Hatch, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole having considered the following bills beg leave to report the same back and recommend:

That council joint resolution No. 16, relating to printing the constitution and laws creating the state of Montana, be adopted and the passage of the resolution as amended.

That the amendments returned with house bill No. 14, relating to the conveyance of dower of insane married women be adopted, and that as amended the bill do pass.

Council bill No. 54, to reimburse sheriffs holding office in 1885 and 1886, for board of prisoners, being under consideration, your committee ask leave to sit again.

On motion of Middleton the report was adopted and council joint resolution No. 16 and house bill No. 14 were ordered engrossed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 9, 1889.

*Mr. President:* I am instructed to inform you that the house has appointed as members of conference committee to consider a portion of house amendments to council bill No. 8, Messrs. Moore, Saxton and Willis.

Also to inform you that further consideration of house joint resolution No. 12, for the relief of James Sullivan, has been indefinitely postponed.

Also, that further consideration of house bill No. 56, relating to compensation of mayor and alderman and to the regulating of the construction of buildings, has been indefinitely postponed.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

Mr. President announced the signing of house bill No. 42.

On motion of Thompson of Deer Lodge at 4 p.m., council adjourned until Monday at 10 o'clock a.m.

CHARLES K. COLE, President.  
JOHN R. EARDLEY, Chief Clerk.

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FIFTY-SEVENTH DAY—MONDAY.

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COUNCIL CHAMBER,  
Helena, Montana, March 11, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called and all members present except Bickford and Middleton.

Prayer by the chaplain.

Journal of Saturday read and approved.



## PETITION.

By Thompson of Silver Bow:

From 41 citizens of Silver Bow county, asking for the passage of council bill No. 54.

## REPORTS OF STANDING COMMITTEES.

By Conrad:

*Mr. President:* Your committee on grazing and stock raising, to whom was referred the joint resolution asking for relief for the Shonkin Stock Association, beg leave to report the same back recommending its passage.

Council joint resolution No. 17 was passed to general orders.

Also, *Mr. President:* Your committee on grazing and stock raising, to whom was referred council bill No. 50, an act to provide for the execution, levy and sale of certain animals running at large, have examined the same and report it back without recommendation.

Council bill No. 50 was passed to third reading.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council joint resolution No. 13, providing compensation for F. R. Shaffer and J. V. Jerome and council bill No. 17, concerning when laws should take effect, were presented to the governor for his consideration at 3:55 p. m. Saturday, March 9, 1889.

By Conrad:

*Mr. President:* Your committee on stock growing and grazing, herewith return house bill No. 46, an act to provide for the appointment of deputy veterinary surgeons, and to suppress and prevent dissemination of scab and contagious diseases among sheep, and recommend that it do pass.

House bill No. 46 has passed to general orders.

By Collins:

*Mr. President:* Your committee on printing, desire to report that they have examined council bill No. 57, an act to amend chapter 82, compiled laws relating to leins and find the same correctly printed.

Council bill No. 57 was referred to committee on judiciary.

By Hatch:

*Mr. President:* Your committee on territorial affairs, to

whom was referred house bill No. 38, an act to add a section to chapter 102, fifth division compiled statutes of Montana, relating to toll roads and toll bridges and toll ferry boats, herewith return the same and recommend its passage.

House bill No. 38, was passed to general orders.

#### READING OF HOUSE BILLS.

House bill No. 53, was read first and second times and referred to committee on territorial affairs.

House bill No. 57, was read first and second times and referred to committee on ways and means.

House bill No. 41 was read first and second times and referred to committee on internal improvements.

House bill No. 49—On motion of Kennedy the rules were suspended.

The bill was read first and second times by title and referred to committee on judiciary.

Council bill No. 39—On motion of Kennedy council concurred in house amendments and the bill was ordered enrolled.

#### THIRD READING OF BILLS.

House bill No. 16 was read third time and passed by the following vote:

Ayes—Brown, Collins, Hoffman, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President---9.

Noes—Conrad---1.

Absent---Bickford and Middleton---2.

Title agreed to.

Council bill No. 25, read third time and lost by the following vote:

Ayes—Conrad, Collins, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—5.

Nays—Brown, Hoffman, Hatch, Kennedy, Olds—5.

Absent—Bickford, Middleton—2.

Thompson of Deer Lodge gave notice of a motion to reconsider the vote just had.

Council bill No. 55 was read third time and lost by the following vote:

Ayes—Conrad, Collins, Thompson of Deer Lodge, Mr. President—4.

Nays—Brown, Hoffman, Hatch, Kennedy, Olds, Thompson of Silver Bow—6.

Absent—Bickford, Middleton—2.

Council bill No. 50 was read third time and passed by the following vote:

Ayes—Brown, Collins, Hoffman, Hatch, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—8.

Nays—Conrad, Kennedy—2.

Absent—Bickford, Middleton—2.

Title agreed to.

#### MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,

EXECUTIVE OFFICE,

Helena, Montana, March 9, 1889.

*Gentlemen of the Legislative Council:*

I have this day approved and signed a bill which originated in the house of representatives, entitled "An act concerning the Montana law library," and have given notice thereof to the said house of representatives.

In said bill there is this paragraph in its amendment to Sec. 1517, to-wit: "It shall be the duty of the governor, by and with the advice and consent of the legislative council, immediately after the passage of this act and biennially thereafter, to appoint some suitable person to be librarian of the Montana library." In compliance with the command of said law, as found in said paragraph so extracted therefrom, I nominate for your advice and consent Miss Lou Guthrie as a fit and proper person to fill the said office of librarian for Montana.

P. H. LESLIE.

The message and nomination were referred to committee on education and labor.

Also,

*Gentlemen of the Legislative Assembly:*

I have the honor to inform you that I have approved and

signed council joint resolution to provide compensation for Frank R. Shaffer and John V. Jerome, accountants, and the bill which originated in your body No. 17, entitled "An act relating to the time when acts and joint resolutions shall take effect."

Respectfully,

P. H. LESLIE.

Also:

*Hon. C. K. Colc, President of the Legislative Council, and Hon. Lee Mantle, Speaker of the House of Representatives:*

GENTLEMEN: I have on this day received the biennial report of the president of the Historical Society of Montana, showing the expenditures of the moneys received from the territory of Montana in aid of the said society, the condition of the library, and the suggestions touching the increase, preservation and usefulness of the same, and I herewith present the same to the legislative assembly through you, as the chief officers thereof. The report bears upon a subject which is very dear to the heart of every true Montanian, and points to a mine of wealth, comfort and pleasure deserving the very highest care and encouragement. I do most cordially unite in the wise suggestions of said report, and urge you, as the actors for the entire people of Montana of to-day and for the hundreds of years to come, that you open wide the doors of assistance and provide amply for the preservation of this great treasure and for its enlargement and permanent glare of light to all the children who shall ever hold and occupy these beautiful valleys, great mountain ranges and noisy river ways.

Respectfully,

P. H. LESLIE.

The communication and report was referred to committee on territorial affairs.

#### REPORT OF THE PRESIDENT OF THE HISTORICAL SOCIETY.

Helena, Montana, December 1, 1887.

*To the Honorable the Governor of the Territory of Montana:*

SIR:—I have the honor to report the expenditures of the monies received from the territory of Montana by the historical society, and the condition of its library as required by law and suggestions touching the increase, preservation and usefulness of the same.

The account herewith transmitted of expenditures is made up out of items of rent and for the furnishing of the new rooms of the society in the court house at Helena, which the liberality and public spirit of the commissioners of Lewis and Clarke county of the society for a nominal consideration.

While not all that could be desired for an institution of such

consequences to the people of Montana, it is nevertheless true that its present quarters are so much more commodious and appropriate than those heretofore occupied by it that complaint would seem to be unjustifiable if not churlish.

The society has been continuously in the receipt of public documents of no inconsiderable value, and of a limited number of books contributed to it by friends of the institution pertaining to the western half of the continent.

A special appropriation made by the legislative assembly for the presentation of the experiences and vicissitudes of our early pioneers has been partially expended, and as a result we are in the possession of a very considerable number of manuscripts of lasting value to the territory. The society is indebted for favors to the Hon. L. Q. C. Lamar, secretary of the interior, to Gen. J. Watts DePeyster, of New York City, to Mr. Albert Kleinschmidt, of Helena, and many other citizens for contributions of value and importance and to its faithful and efficient librarian for enthusiastic interest in and attention to its affairs.

I have the honor to remain very respectfully,

Your obedient servant,

(16 encloures.)

W. F. SANDERS, President.

# HISTORICAL SOCIETY IN ACCOUNT WITH FIRST NATIONAL BANK.

	1887.	Dr.	Cr.
Feby.	18.—To	balance.....	\$49.59
July	2.—“	check.....	14.50
“	3.—By	deposit.....	\$300.00
“	8.—To	check.....	30.00
“	14.—“	“.....	3.50
“	18.—“	“.....	15.00
“	27.—“	“.....	20.00
“	29.—“	“.....	24.60
Aug.	1.—“	“.....	4.00
“	5.—“	“.....	24.00
Sept.	21.—By	deposit.....	404.06
Oct.	15.—To	check.....	400.00
“	20.—“	“.....	106.65
“	20.—“	“.....	5.00
Nov.	1.—“	“.....	2.90
“	2.—“	“.....	5.00
		Balance.....	.68
			<hr/>
			\$707.74
			<hr/>
Dec.	1.—To	balance.....	\$0.68

## REPORT OF COMMITTEE.

By Hatch:

*Mr. President:* Your committee on territorial affairs begs leave to report that house bill No. 53 has been carefully considered and is herewith reported back with the recommendation that it be amended by inserting a title to read as follows: "An act to provide for filling vacancies in the office of county commissioners," and by striking out of line 2, section 2, the words "the date of," and that so amended it do pass.

House bill No. 53 was passed to general orders.

On motion of Thompson of Deer Lodge at 11:50 o'clock a. m. council took a recess until 1:30 p. m.

## AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roli called—quorum present.

On motion of Thompson of Deer Lodge council resolved itself into a committee of the whole for the consideration of general orders.

Conrad in the chair.

The committee arose.

Mr. President in the chair.

## REPORT OF STANDING COMMITTEE.

By Kennedy:

*Mr. President:* Your joint enrolling committee beg leave to report that council bill No. 8, providing for the printing and distribution of ballots at public expense; house bill No. 15, concerning the national guard of Montana; house bill No. 63, repealing section 1595, of the fifth division, compiled statutes of Montana, and council bill No. 39, amending section 272 of the probate practice act, have been correctly enrolled.

Mr. President announced the signing of council bill No. 8 and house bill No. 15.

General orders resumed in committee of the whole.

Conrad in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.



Conrad, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole begs leave to report consideration of council bill No. 54 and to report the same back without recommendation.

Council bill No. 26 being under consideration your committee ask leave to sit again.

Report adopted.

Council bill No. 54 was ordered engrossed.

#### REPORTS OF COMMITTEES.

By Kennedy:

*Mr. President:* Your committee on enrollment begs leave to report that council bill No. 8, providing for the printing and distributing of ballots at public expense and house bill No. 15, concerning the national guard of Montana, were presented to the governor for his consideration at 3:40 o'clock p. m., Monday, March 11, 1889.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 11, 1889.

*Mr. President:* I am instructed to return to you council bill No. 22, relating to the protection of cemeteries, etc., with the information that the conference committee report that your committee will report advising that the house amendment be concurred in.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

On motion of Kennedy house amendments to council bill No. 22 concurred in and bill was ordered enrolled.

Also, *Mr. President:* I am instructed to return to your honorable body council joint resolution No 15 with house substitute which passed.

Ayes—19.

Noes—2.

Absent—3.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Council joint memorial No. 15, on motion of Kennedy, council concurred in house substitute.

Brown moved to take a recess until 7 p. m.

Conrad moved as an amendment to adjourn, on which motion Kennedy called for the ayes and nays and the motion prevailed by the following vote:

Ayes—Bickford, Conrad, Collins, Hoffman, Hatch, Middleton and Mr. President—7.

Nays—Brown, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—5.

At 5:10 o'clock p. m. council adjourned until 10 o'clock a. m. to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.

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## FIFTY-EIGHTH DAY—TUESDAY.

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COUNCIL CHAMBER,  
Helena, Montana, March 12, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

### REPORTS OF STANDING COMMITTEES.

By Hoffman:

*Mr. President:* Your committee on education and labor, to whom was referred the nomination of Miss Lou Guthrie for territorial librarian, beg leave to report that they have considered the same and report it back with the recommendation that she be confirmed by this council.

The report was passed to unfinished business.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means, to whom was referred council bill No. 51, herewith return the same to council without recommendation.

Council bill No. 51 was passed to general orders.

By Olds:

*Mr. President:* Your committee on mines and minerals, to whom was referred house bill No. 34, have had the same under consideration and beg leave to report the same back to the council without recommendation.

House bill No. 34 was passed to general orders.

Mr. President announced the signing of house bill No. 63 and council bill No. 39.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred council bill No. 59, concerning overdrafts, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do not pass.

On motion of Thompson of Silver Bow, council bill No. 59 was indefinitely postponed.

Also, *Mr. President:* Your committee on judiciary, to whom was referred council bill No. 57, relating to liens, beg leave to report that they have had the same under consideration, and report it back with the recommendation that it do pass.

Council bill No. 57 was passed to general orders.

Also, *Mr. President:* Your committee on judiciary, to whom was referred house bill No. 29, concerning mortgage, trust, safe, deposit and security associations, beg leave to report that they have had the same under consideration and report it back without recommendation.

House bill No. 29 was passed to general orders.

Also, *Mr. President:* Your committee on judiciary, to whom was referred house substitute for council bill No. 12, relating to drawing juries, beg leave to report that they have had the same under consideration and report it back with the recommendation that it be concurred in by the council.

Council bill No. 12—On motion of Kennedy, council adopted the substitute.

Bill ordered enrolled.

By Hatch:

*Mr. President:* Your committee on territorial affairs, to whom was referred the names of certain persons to compose the

territorial board of medical examiners, as appointed by his Excellency Governor P. H. Leslie, your committee recommend that the council confirm all of these appointments.

The report was passed to unfinished business.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole reported as follows:

*Mr. President:* Your committee of the whole begs leave to report consideration of the following bills and to recommend that house bill No. 26, relating to municipal corporations, be referred to the committee on judiciary to be reported back to-morrow morning.

That house bill No. 37, relating to stenographers for district courts do pass.

Also, that council bill No. 44, to prohibit gambling; council bill No. 56, to detach a portion of Park county and attach the same to Yellowstone county, and house bill No. 33, to prevent swine from running at large, be indefinitely postponed.

That house substitute for council bill No. 1, relating to inspection of steam boilers &c., be adopted, and that as amended the bill do pass.

On motion of Thompson of Deer Lodge the report was adopted.

House bill No. 26 was referred to committee on judiciary.

House bill No. 37 was passed to third reading.

Council bill No. 44, council bill No. 56 and house bill No. 33 were indefinitely postponed.

House substitute for council bill No. 1 as ordered enrolled.

#### REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom

was referred the following bills and amendments, viz.: Council bill No. 36, an act to amend sections 2031, 2032, 2033, 2034, 2037 and 2038 of the fifth division of the compiled statutes of Montana, relating to town and village sites and plats; amendments to house bill No. 14, "an act authorizing the conveyance of the dower rights of insane married women;" council joint resolution No. 16, providing for printing and publishing the constitution of Montana, etc.;" council bill No. 48, an act amending section 1861 to section 1926, fifth division compiled statutes of Montana, concerning schools; council bill No. 46, an act to amend an act entitled "an act to provide for the levy of taxes and assessment of property," approved September 14th, 1887, beg leave to report that they have carefully compared the same and report them correctly engrossed.

Council bill No. 36, house bill No. 14 with amendment, council joint resolution No. 16, council bill No. 48, and council bill No. 46 were passed to third reading.

Also, *Mr. President*: Your committee to which was referred a communication signed by G. A. Bennett, and in which he claimed to have been elected to a seat in the territorial council, would most respectfully report as follows:

That your committee, in pursuance of the matter alleged in said statements, have examined witnesses and viewed the evidence presented and from the evidence of the witnesses and the affidavits read, and from all the facts and circumstances surrounding the case, conclude that the allegations are not sustained by the evidence.

The evidence as reduced to writing, under the supervision of the committee, together with the various affidavits bearing upon the subject, are attached hereto and made a part of this report.

It does not appear to your committee that the allegations of the complaint that the votes cast for the said G. A. Bennett at Heron precinct were taken from the ballot box and others substituted therefor is borne out by the evidence, but, on the contrary, from the facts that the witnesses sworn at the hearing on behalf of Mr. Bennett, and who testified with reference to the conducting of the election at that precinct, were only present at the polls during a short time in the forenoon on election day, and knew only in a general way that a certain number of votes were cast upon the ballot up to the time when they left the precinct. There is no ground upon which to rest this part of the allegation. No evidence was introduced or heard by your committee touching any other precinct, and it does not appear in any part of the evidence that any fraud had been committed at the election.

Your committee therefore has come to the conclusion that W. M. Bickford was duly elected to the office of councilman for the district of Missoula county, and that he is entitled to his seat in said council.

On motion of Kennedy, the report was adopted and the accompanying papers filed.

By Kennedy:

*Mr. President:* Your committee on enrollment begs leave to report that council bill No. 39, amending section 272 of the probate practice act, and house bill No. 63, repealing section 1595, of the fifth division of the compiled statutes of Montana, were presented to the governor for his consideration at 10:40 a. m., Tuesday, March 12th, 1889.

Also, that council bill No. 22, for the protection of cemeteries and the remains of the dead, has been correctly enrolled.

Mr. President announced the signing of council bill No. 22.

On motion of Middleton council bill No. 46 was taken up.

The rules were suspended.

The bill was read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes---none.

Title agreed to.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 11, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body house bill No. 56, relating to compensation of the mayor and aldermen of incorporated cities, etc., which passed the house.

Ayes—15.

Nays—0.

Absent—9.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.



On motion of Bickford, at 12:05 m., council took a recess until 2 o'clock p.m.

## AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

## REPORTS OF COMMITTEES.

By Kennedy:

*Mr. President:* Your committee on enrollment begs leave to report that council bill No. 22, for the protection of cemeteries and the remains of the dead, was presented to the governor at four minutes after 12 this 12th day of March, 1889.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred council bill No. 54, an act to reimburse sheriffs holding office in 1885 and 1886, for board of prisoners, beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 54 was passed to third reading of bills.

## THIRD READING OF BILLS.

House bill No. 37 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—10.

Absent—Conrad, Collins—2.

Title agreed to.

House bill No. 14 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—12.

Noes—none.

Title agreed to.

Council bill No. 16 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins. Hoffman, Hatch,

Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—11.

Nays—Kennedy—1.

Title agreed to.

Council bill No. 54, was read third time and lost by the following vote:

Ayes—Conrad, Middleton, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—5.

Noes—Brown, Collins, Hoffman, Hatch, Kennedy, Olds—6.

Absent—Bickford—1.

Council bill No. 36—On motion of Thompson of Deer Lodge the rules were suspended.

The bill was read third time by title and passed by the following vote:

Ayes—Brown, Conrad, Hoffman, Hatch, Kennedy, Middleton, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—9.

Nays—Collins, Olds—2.

Absent---Bickford—1.

Title agreed to.

Council bill No. 48—On motion of Thompson of Deer Lodge, the rules were suspended.

The bill was read third time and passed by the following vote:

Ayes---Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President---12.

Noes—none.

Title agreed to.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 12, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the house has been unable to concur in all of council amendments to house bill No. 16, relating to a mining inspector; that they request a conference committee and have

appointed on the part of the house Messrs. Murray, Roberts and Saxton.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

On motion of Kennedy, Mr. President appointed a conference committee on the part of the council, consisting of Messrs. Kennedy, Thompson of Silver Bow and Bickford.

Also, *Mr. President*: I am directed by the house to inform you that the vote by which house bill No. 56 passed the house yesterday has been reconsidered and the house respectfully asks the return of said bill.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

On motion of Bickford the clerk was instructed to return house bill No. 56 to the house.

On motion of Bickford the vote just taken was reconsidered.

On motion of Hoffman the council went into executive session.

Mr. President announced the following confirmations:

For stock commissioners---S. R. Buford of Madison county, Granville Stuart of Fergus county, E. S. Tutt of Yellowstone county, Joseph Scott of Custer county, C. W. Taylor of Choteau county, J. S. Day of Dawson county, Phil H. Poindexter of Park county, P. A. Largey of Silver Bow county, David Fratt of Meagher county, S. S. Huntley of Lewis and Clarke county.

For board of medical examiners---Dr. E. D. Leavitt, Silver Bow county, to serve to December 31st, 1895.

Dr. Ernest Crutcher, Cascade county, to serve to December 31st, 1894.

Dr. Charles F. Mussigbrod, Deer Lodge county, to serve to December 31st, 1893.

Dr. W. M. Bullard, Jefferson county, to serve to December 31st, 1889.

Dr. J. B. Atchison, Lewis and Clarke county, to serve to December 31st, 1890.

Dr. F. S. Hedges, Missoula county, to serve to December 31st, 1891.

Dr. R. M. Whitefoot, Gallatin county, to serve to December 31st, 1892.

For territorial librarian, Miss Lou Guthrie.

Mr. President announced the following nominations rejected:

For territorial treasurer, W. G. Preuitt.

For territorial auditor, James Sullivan.

For superintendent of public instruction, A. C. Logan.

For attorney general, W. E. Cullen.

Hoffman gave notice of motion to reconsider the vote by which council bill No. 54 was lost.

On motion of Thompson of Deer Lodge the council resolved itself into a committee of the whole for the consideration of general orders.

#### GENERAL ORDERS.

Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole having considered the following bills, respectfully recommend that council bill No. 52, concerning publication of notices required by law to be posted, be amended by inserting after the word "shall," in line 3, the words "in the discretion of such officer," and that as amended the bill do pass.

That council bill No. 53, concerning school bonds, do pass.

That council bill No. 47, relating to chattle mortgages, do pass.

That council bill No. 58, relating to compensation of jurors, do pass.

That council bill No. 60, relating to times of meeting of board of county commissioners do pass, and that amendments to council bill No. 49, concerning public schools in incorporated cities as reported by the committee on education and labor be adopted and the passage of the bill as amended.

That house bill No. 43, to provide for a commission to codify the laws of Montana, do pass after the adoption of the amendments reported by the special committee as amended by your committee.

On motion of Kennedy the report and amendments were adopted.

Council bills Nos. 32, 53, 47, 58, 60, 49 and amendments to house bill No. 43 were ordered engrossed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 12, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that council bill No. 42 has passed the house with the amendments herewith transmitted; also, to transmit to you house bill No. 7, relating to licenses, which passed the house.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

Collins moved to non-concur in the house amendments to council bill No. 42, and that a conference committee be appointed.

So ordered.

Mr. President appointed as such conference committee Messrs. Collins, Kennedy and Thompson of Deer Lodge.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 12, 1889.

*Gentlemen of the Legislative Council:*

Several weeks ago, and only a day or two before the expiration of the term for which Dr. Herbert Holloway was commissioned by my predecessor in office to fill the office of veterinary surgeon for the territory of Montana, I had the honor to nominate for your advice and consent the same man to fill said office the ensuing term of two years thereafter, and a number of days thereafter I was notified verbally by the clerk of your body that the nomination to said office had been rejected by you.

Quite a number of the members of the council since the action aforesaid have assured me that a renomination of his name to that office would meet with the favor of the council, which assurance, coupled with the fact that his reappointment to the office has been recommended by the board of stock commissioners for Montana, and the further fact of my knowledge of his active and energetic faithfulness as a public officer and recognized superior ability amongst gentlemen standing high in the profession from the basis of this my renomination for your advice and consent said Holloway to fill the office aforesaid.

I have consented to make this renomination not until I am sure it will be appreciated by the council as allowable under the circumstances.

Respectfully,

P. H. LESLIE.

On motion of Thompson of Silver Bow council went into executive session.

Mr. President announced the confirmation of Dr. Herbert Holloway.

On motion of Bickford, at 5:50 p. m. council took a recess until 7:30 o'clock p. m.

EVENING SESSION.

Council resumed at 7:30 o'clock p. m.

Olds in the chair.

Roll called—quorum present.

On motion of Thompson of Silver Bow, council resolved itself into a committee of the whole.

Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole begs leave to report consideration of the following matters and to recommend:

That the report of the committee on ways and means in regard to the volumes of history of the celebration of the one hundredth anniversary of the framing of the constitution of the United States be adopted, and the books returned to the governor.

That council bill No. 2, relating to the duty of assessors to collect statistics, be indefinitely postponed, and that council bill No. 30, concerning roads and highways, being under consideration, your committee ask leave to sit again.

On motion of Kennedy the report was adopted.

On motion of Kennedy, at 8:45 o'clock p.m., council adjourned until 10 o'clock a.m., to-morrow.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.



## FIFTY-NINTH DAY—WEDNESDAY.

COUNCIL CHAMBER,

Helena, Montana, March 13, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—all members present except Conrad, Collins and Hatch.

Prayer by the chaplain.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means, to whom was referred house bill No. 57, an act to add a section to chapter 42, fifth division, compiled statutes of Montana, return the same to the council and recommend that it do not pass.

House bill No. 57 was passed to general orders.

## MESSAGE FROM THE HOUSE.

*Mr. President:* I am directed by the house to inform your honorable body that the house has concurred in council amendments to house bill No. 14, concerning dower rights of insane married women.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President:* I am instructed by the house to inform your honorable body that further consideration of council bill No. 34, providing books for road dockets &c., and house bill No. 51, relating to the purchase and construction of bridges, have been indefinitely postponed.

Also, that house bill No. 64, an act governing costs in certain cases, was introduced by Hunt and passed to general orders.

Also, that Davis introduced house bill No. 65, a bill for an act to amend section 322, title 9, chapter 1, first division code of civil procedure compiled statutes of Montana, passed to general orders.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 7, concerning licenses, was read first and second times and referred to committee on ways and means.

House bill No. 56, relating to compensation of the mayor and aldermen of incorporated cities, etc., was read first and second times and referred to committee on towns and counties.

#### REPORT OF SPECIAL COMMITTEES.

By Kennedy:

*Mr. President:* Your committee or conference on house bill No. 16, creating the office of inspector of mines begs leave to report that the conference committees of the house have agreed that the council should recede from its amendments, increasing the salary of the deputy inspector, and changing the date at which the bill should take effect and be in force, and that the house concur in council amendments to line 29, section 7, prescribing that the name of complainants shall be omitted from the copy of the complaint required to be sent to the mine owner. Your conference committee would recommend the above action to the council.

On motion of Thompson of Silver Bow, the report was received and adopted.

By Kennedy:

*Mr. President:* Your joint committee of enrollment begs leave to report that council bill No. 1, creating the office of boiler inspector and deputy boiler inspector, and house bill No. 14, concerning the dower rights of insane married women, have been correctly enrolled.

#### MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,

EXECUTIVE OFFICE,

Helena, Montana, March 12, 1889.

*Gentlemen of the Legislative Council:*

I have the pleasure to inform you that I have approved and signed the bill No. 39, which originated in your body, entitled "An act to amend section 272, second division, compiled statutes of Montana, probate practice act," and the bill No. 22, entitled "An act relating to the protection of cemeteries and the remains of the dead."

Respectfully,

P. H. LESLIE.

Also:

*Gentlemen of the Legislative Council:*

A writing has just been filed in this office, from the county

commissioners of Cascade county, showing their action and requiring the appointment of a stock commissioner for that county, and recommending that Benjamin Rumney be so appointed, he having, as they affirm, the legal qualifications.

Therefore, I nominate for your advice and consent the said Rumney to be stock commissioner for said Cascade county.

Respectfully,

P. H. LESLIE.

The appointment of Benjamin Rumney as stock commissioner was referred to committee on grazing and stock raising.

#### GENERAL ORDERS.

The council resolved itself into committee of the whole.

Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole reported as follows:

*Mr. President:* Your committee of the whole having considered council bill No. 30, concerning roads and highways recommend the adoption of the amendments returned therewith and the passage of the bill as amended.

On motion of Thompson of Deer Lodge the report was adopted.

Council bill No. 30 was ordered engrossed.

#### REPORTS OF COMMITTEES.

By Brown:

*Mr. President:* Your committee on judiciary to whom was referred house bill No. 26, relating to municipal corporations, beg leave to report that they have had the same under consideration and report it back with the following amendments and recommend that it do pass as amended:

In section 2, line 15 of the printed bill after the word "general" insert the word "municipal."

Strike out all of sections 3 and 4.

Add to section 7 the following: "And such physician may also keep in his office for dispensing to his patients such opium."

Section 9, line 24 after the word "general" insert the word "municipal."

In section 12, line 3, strike out the word "which" and insert the word "who."

In section 13, line 6, after the second "and" insert "it shall be his duty."

Add to the end of section 14 the following: "All city officers mentioned in this act shall be required to reside within the limits of the city during their terms of office."

Strike out of the last part of section 18 the following words: "And is hereby or may hereafter be amended."

Add to the title the words: "relating to municipal corporations."

And that the sections from section 2 of said bill be renumbered.

On motion of Thompson of Silver Bow, the report and amendments were adopted.

Amendments were ordered engrossed.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred council bill No. 58, an act to amend section 1079, fifth division compiled laws, relating to compensation to jurors, beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 58 was passed to third reading.

Also, *Mr. President:* Your committee on engrossment, to whom was referred the following bills and amendments, viz.: Council bill No. 53, an act to amend section 1950, fifth division, compiled laws of Montana, concerning school boards; house bill No. 52, concerning the publication of notices required by law to be posted; council bill No. 60, an act to amend section 785, compiled statutes, relating to the time of meeting of boards of county commissioners; house bill No. 47, an act to amend section 1538, fifth division, compiled statutes, relating to chattel mortgages; council bill No. 49, an act concerning public schools in incorporated cities; amendments to house bill No. 43, an act to provide for the appointment of code commissioners, etc., beg leave to report that they have examined the same and find them correctly engrossed.

Council bills Nos. 52, 53, 60, 47, 49 and house bill No. 43 were passed to third reading.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 15, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and this day signed the bill No. 8, which originated in your body, entitled an act to provide for printing and distributing ballots at the public expense and to regulate voting at territorial and other elections.

Respectfully,

P. H. LESLIE.

## THIRD READING OF BILLS.

House bill No. 43—On motion of Thompson of Deer Lodge the rules were suspended.

Bill read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Hoffman, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President---8.

Absent---Conrad, Collins, Hatch, Kennedy---4.

Title agreed to.

House bill No. 58—On motion of Bickford, the rules were suspended.

Bill was read third time and passed by the following vote:

Ayes—Brown, Bickford, Hoffman, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—8.

Absent—Conrad, Collins, Hatch, Kennedy—4.

Title agreed to.

On motion of Brown at 12 o'clock m. council took a recess until 2 o'clock p. m.

## AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

## REPORTS OF STANDING COMMITTEES.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred amendments to house bill No. 26, an act to amend chapter 22, fifth division compiled statutes and the amendments thereto, approved September 14, 1887, beg leave to report that they have examined the same and find them correctly engrossed.

House bill No. 26 was passed to third reading.

## THIRD READING OF BILLS.

House bill No. 26, on motion of Thompson of Deer Lodge the rules were suspended. Bill read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hatch, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—8.

Excused—Hoffman—1.

Absent—Collins, Kennedy, Middleton—3.

Title agreed to.

Council bill No. 52 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Olds, Thompson of Silver Bow, Mr. President—10.

Noes—Thompson of Deer Lodge—1.

Absent—Middleton—1.

Title agreed to.

Council bill No. 53 read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—10.

Absent—Middleton, Kennedy—2.

Title agreed to.

Council bill No. 60—On motion of Thompson of Deer Lodge read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Hoffman, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—8.

Nays—Collins, Mr. President—2.

Absent—Conrad, Middleton—2.

Title agreed to.



Council bill No. 47 was read third time and lost by the following vote:

Ayes—Bickford, Collins, Hoffman—3.

Noes—Brown, Conrad, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—9.

Council bill No. 49 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

Title agreed to.

#### INTRODUCTION OF BILLS.

By Kennedy, by leave:

Council bill No. 61, relating to publication of certain laws, was read first and second times.

On motion of Thompson of Deer Lodge, the rules were suspended.

Bill read third time by title.

Middleton, by leave, offered a substitute for the original substitute adopted.

Bill ordered engrossed.

#### REPORTS OF COMMITTEES.

By Hatch:

*Mr. President:* Your committee on territorial affairs herewith transmit house bill No. 44, and recommend it do pass.

House bill No. 44 was passed to general orders.

By Thompson of Deer Lodge:

*Mr. President:* Your engrossing committee begs leave to report that council bill No. 30, concerning roads and highways, has been carefully compared and is found correctly engrossed.

On motion of Kennedy the rules were suspended.

Council bill No. 30 was read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch,

Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President--12.

Noes--none.

By Collins:

*Mr. President:* The joint conference committee having under consideration council bill No. 42, "An act to provide fees and compensation for the several county officers in the counties of Montana," desire to report the same back with the recommendation that the house amendments be concurred in.

On motion of Kennedy, house amendments were concurred in.

Council bill No. 42 was ordered enrolled.

Mr. President announced the signing of house bill No. 1 and house bill No. 14.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

Helena, Montana, March 13, 1889.

*Mr. President:* I am instructed to inform your honorable body that a committee of conference, Messrs. Hunt, Haskell and Saxton, has been appointed by the house in regard to house bill No. 43, and request that a like committee be appointed by the council.

Also, to inform you that the house has concurred in council amendments to house bill 26.

BENJAMIN WEBSTER, Chief Clerk.

On motion of Kennedy Mr. President appointed to confer on house bill No. 43, Messrs. Kennedy, Bickford and Middleton.

Also, *Mr. President:* I am instructed by the house to inform your honorable body that further consideration of house bill 54, amending sections 229, 242, 243, 244, 256, 257 and 259 fifth division compiled statutes of Montana, has been indefinitely postponed.

Also, that house bill No. 66, an act repealing certain forfeitures" has been introduced with previous notice by Haskell, referred to committee on judiciary.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President:* I am instructed by the house to inform your honorable body that the conference committee in

regard to house bill No. 16 and amendmets of the council thereto have reported ,advising that the council should recede from its amendments increasing the salary of the deputy inspector and changing the date on which the bill should take effect, and that the house concur in the council amendments to line 29, section 7, prescribing that the names of complainants should be written from the copy of the complaint required to be sent to the mine owner, which report the house has received and adopted.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

#### GENERAL ORDERS.

Council resolved itself into committee of the whole.

Olds in the chair.

The committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole respectfully report consideration of council joint resolution No. 17, for relief of Shonkin Stock Association, which is reported back without recommendation.

Also, house bill No. 38, relating to toll roads, toll bridges and toll ferry boats and recommend its passage.

Also, house bill No. 46, providing for the appointment of deputy veterinary surgeons, etc., which is recommended to pass.

Also, house bill No. 53, relating to filling vacancies in the office of county commissioner, which is recommended to pass after adoption of amendments reported by committee on territorial affairs.

Also, house bill No. 34, relating to locating and recording mining claims, which your committee recommend do not pass.

On motion of Kennedy the amendments to house bill No. 53 were adopted, rules suspended, amendments considered, engrossed and the bill passed to third reading.

On motion of Kennedy, the report of the committee of the whole was adopted.

Council joint resolution No. 17, house bill No. 38, house bill No. 46 and house bill No. 34 were passed to third reading.

#### REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your conference committee on house bill No. 43, concerning a code commission, beg leave to report that the committees of the two houses have agreed upon an amendment to the council amendment to section 3, striking out the word "regular" in line 23 of said amendment and inserting in line 25, after the word "Montana," the words "whether regular or extraordinary."

And your committee would recommend the adoption of the amendments as agreed upon.

On motion of Kennedy the recommendation of the conference committee was adopted.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council bill No. 1, concerning inspectors, and house bill No. 14, concerning the dower rights of insane married women, were presented to the governor for his consideration at 3:20 p. m.

Also, that house bill 47, concerning stenographers, has been correctly enrolled.

By Hatch:

*Mr. President:* Your committee on territorial affairs, to whom was referred the report of the historical society of Montana, have examined the same together with accompanying vouchers.

Your committee believe the society should have additional aid and herewith transmit council joint resolution making appropriation and recommend that it do pass.

Council joint resolution No. 18, making an appropriation for the historical society of Montana, was read first time.

On motion of Thompson of Silver Bow the rules were suspended.

The resolution read second and third times by title.

On motion of Thompson of Deer Lodge the vote placing the resolution on final passage was reconsidered and the same was referred to committee on territorial affairs.

## REPORT OF COMMITTEE.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred council bill No. 61, beg leave to report that they have examined the same and find it correctly engrossed.

Council bill No. 61 was passed to third reading.

On motion of Kennedy, house bill No. 53 was taken up.

Read third time and passed by the following vote:

Ayes---Brown, Bickford, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President---11.

Nays---none.

Absent---Conrad---1.

By Kennedy:

Your committee on internal improvements begs leave to report house bill No. 41, concerning pawnbrokers and junk dealers, with recommendation that it do pass.

House bill No. 41 was passed to general orders.

## THIRD READING OF BILLS.

On motion of Kennedy, council bill No. 61 was taken up.

Read third time and passed by the following vote:

Ayes---Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President---12.

Noes---none.

Title agreed to.

Mr. President announced the signing of house bill No. 37.

Middleton, by leave, introduced council joint resolution No. 19, relating to printing laws.

Read first and second times, and on motion of Middleton the rules were suspended.

Resolution read the third time and passed by the following vote:

Ayes---Bickford, Conrad, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver and Mr. President---7.

Noes---Brown, Collins, Hoffman, Hatch---4.

Absent---Kennedy---1.

Title agreed to.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 13, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body the following bills which passed the house:

House bill No. 61, relating to county commissioners.

House bill No. 52, closing certain business houses on Sunday.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

Also, *Mr. President:* I am instructed by the house to transmit to your honorable body house bill No. 67, an act to provide for care and maintenance of feeble minded and imbecile children introduced by Hunt without previous notice and passed under a suspension of the rules.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 67 was read first and second times and, on motion of Middleton, the rules were suspended.

Bill read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Absent—Kennedy—1.

Title agreed to.

Also, *Mr. President:* I am instructed to transmit to your honorable body house bill No. 66, an act repealing certain forfeitures; council bill No. 53, concerning school bonds; house bill No. 63, extending northern line of Fergus county, all of which passed the house.

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 66 was read first and second times, and on motion of Middleton the chief clerk was instructed to return the bill to the house to ascertain the introducer of the bill.

Council bill No. 62 was read first and second times, and on motion of Collins the rules were suspended.



Bill was read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—9.

Nays—Olds—1.

Absent—Kennedy, Middleton—2.

Title agreed to.

On motion of Brown, at 5 o'clock p. m., council took a recess until 7:30 p. m.

#### EVENING SESSION.

Council resumed at 7:30 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

On motion of Middleton, house bill No. 56 was recalled from the committee on towns and counties and returned to the house upon their request.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 13, 1889.

*Mr. President:* I am instructed by the house to return to you house bill No. 66, with the information in regard to its "paternity" endorsed upon its back. Also to return to you council joint resolution No. 19, relating to printing of laws, which passed the house under a suspension of the rules.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 66 was passed to general orders.

Council joint resolution No. 19 was ordered enrolled.

#### REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 16, creating the office of inspector of mines, council bill No 12, concerning the drawing of juries, and council joint memorial No. 15, concerning the mineral lands in the Northern Pacific land grant, have been correctly enrolled.

Mr. President announced the signing of council joint memorial No. 15, council bill No. 12 and house bill No. 16.

## THIRD READING OF BILLS.

House bill No. 38 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—9.

Absent—Hoffman, Hatch, Middleton—3.

Title agreed to.

House bill No. 34 was read third time and lost by the following vote:

Ayes—Bickford, Hatch, Olds, Thompson of Deer Lodge, Mr. President—5.

Noes—Brown, Conrad, Collins, Hoffman, Thompson of Deer Lodge—5.

Absent—Kennedy, Middleton—2.

Bickford gave notice of motion to reconsider the vote just taken.

House bill No. 46 was read third time and passed by the following vote:

Ayes—Brown, Conrad, Hoffman, Hatch, Kennedy, Middleton, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—9.

Noes—Bickford, Olds—2.

Absent—Collins—1.

Title agreed to.

Council joint resolution No. 17 was read third time and lost by the following vote:

Ayes—Brown, Conrad, Collins, Hoffman, Hatch and Middleton—6.

Noes—Bickford, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—6.

## REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council bill No. 12, concerning the formation of juries, was handed to the governor at 8:24 p. m. Wednesday, March 15, 1889.

Also, that house bill No. 16, creating the office of mine inspector, was presented to the governor at 8:40 p. m., March 13th.

Also, that house bill No. 38, concerning toll roads, etc.; house bill No. 67, concerning imbecile children, and council bill No. 42, concerning fees and salaries for county officers, have been correctly enrolled.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 13, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body house bill No. 58, preventing the sale of certain noxious drugs, which passed the house.

Also, to return to you house bill No. 56, compensating mayor and aldermen, which has passed the house for the second time.

Also to return to you council bill 58, relating to compensation of jurors; council bill 61, requiring the publication of certain laws, both of which passed the house without amendments.

Also council bill 46, which passed the house with amendments herewith transmitted.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Council bill No. 46—On motion of Middleton, house amendments were concurred in and bill ordered enrolled.

House bill No. 58 was read first and second times, and on motion of Thompson of Deer Lodge the rules were suspended and bill read third time.

On motion of Middleton the vote just had was reconsidered and the bill was passed to general orders.

Mr. President announced the signing of council bill No. 42, house bill No. 38 and house bill No. 67.

House bill memorial No. 56, was passed to general orders.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 13, 1889.

*Mr. President:* I am instructed by the house to transmit to

your honorable body house bill No. 55, to encourage the establishment of a paper mill.

Also, house bill No. 65, to amend section 322, title 9, chapter 1, first division, code of civil procedure, compiled statutes of Montana, both of which passed the house.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 55—On motion of Thompson of Deer Lodge the rules were suspended.

Bill read first and second times by title and passed to general orders.

House bill No. 65 was read first and second times and passed to general orders.

#### REPORT OF COMMITTEE.

By Hatch:

*Mr. President:* Your committee on territorial affairs herewith return council joint resolution No. 18, corrected as indicated by the council, and recommending its passage.

Council joint resolution No. 18 was read third time and passed by the following vote:

Ayes—Bickford, Conrad, Collins, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President---9.

Noes—Brown.

Absent---Hoffman, Kennedy---2.

Title agreed to.

Thompson of Silver Bow moved to go into committee of the whole.

Motion lost.

Bickford moved to take a recess for five minutes.

Motion lost.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 13, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that Blakely introduced house bill 69, to define

the time when saloons shall be closed on general election day, which passed to third reading under suspension of the rules and was lost.

Also,<sup>5</sup> to transmit to your honorable body house bill No. 68, an act to amend sections 1613, 1614 and 1615, fifth division: general laws, which was introduced without previous notice by Haskell, passed to third reading under a suspension of the rules and passed.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

REPORTS OF COMMITTEE.

By Kennedy:

*Mr. President:* Your joint committee on endowment begs leave to report that council bill No. 42, concerning fees and salaries; house bill No. 67, concerning imbecile children, and house bill No. 38, concerning toll roads, etc., were presented to the governor at 10:05 p.m., March 13, 1889.

Also, that house bill No. 43, concerning a code commission, has been correctly enrolled.

House bill No. 68 was read first and second times.

Middleton moved to suspend the rules and place the bill on its final passage.

So ordered.

The bill was read third time and passed by the following vote:

Ayes—Bickford, Collins, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—7.

Noes—Brown, Kennedy, Mr. President—3.

Title agreed to.

The president announced the signing of house bill No. 43.

On motion of Brown, at 10:30 p. m., council adjourned until 10 o'clock a. m. to-morrow.

CHARLES K. COLE, President.  
JOHN R. EARDLEY, Chief Clerk.

## SIXTIETH DAY—THURSDAY.

COUNCIL CHAMBER,  
Helena, Montana, March 14, 1889.

Council met at 10 o'clock a. m.

Mr. President in the chair.

Roll called—all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment beg leave to report that council bill 58, concerning compensation of jurors; council joint resolution 19, concerning publication of certain laws, and council bill 53, concerning school bonds, have been correctly enrolled.

By Thompson of Silver Bow:

*Mr. President:* Your committee on ways and means having examined house bill No. 7, an act to amend certain sections of an act entitled "An act to amend an act concerning licenses," approved September 14, 1887, herewith return the same and recommend its passage.

Thompson of Silver Bow moved to suspend the rules and place the bill on its final passage.

So ordered.

## THIRD READING OF BILLS.

House bill No. 7 was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—11.

Absent—Middleton—I.

Title agreed to.

By Conrad:

*Mr. President:* Your committee on grazing and stock raising



to whom was referred a message from his Excellency, the governor, announcing the appointment of Benjamin Rumney as stock commissioner for Cascade county, beg leave to report that they have had the same under consideration and recommend that he be confirmed.

Report was passed to unfinished business.

Council resolved itself into committee of the whole.

Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole, reported as follows:

*Mr. President:* Your committee of the whole having considered the following bills, respectfully report the same back and recommend that council bill No. 51, relating to appeals from decisions of county commissioners, be indefinitely postponed.

That council bill No. 57, relating to liens, do pass.

That house bill No. 29, concerning mortgage, trust, safe deposit and security associations, do not pass.

That house bill No. 57, concerning public administrators, do not pass.

That house bill No. 44, concerning lotteries, do pass.

That house bill No. 61, concerning meetings of county commissioners, do not pass.

That house bill No. 41, relating to pawn brokers and junk dealers, be amended by striking out the word "law" in section , line 5, and inserting the words "this act," and that as amended the bill do pass.

That house bill No. 66, repeating certain forfeitures, do not pass.

That house bill No. 65, relating to homesteads, do not pass.

That house bill No. 58, to prevent sale of noxious drugs, do pass.

That house bill No. 55, to encourage the establishment of a paper mill, etc., do pass, and

That house bill No. 56, relating to compensation of mayor and aldermen of certain cities, etc., be amended by striking out of

section 2, line 6, the word "eight" and inserting in lieu thereof the word "five," and that as amended the bill do pass.

On motion of Thompson of Deer Lodge the report was adopted.

Council bill No. 51 was indefinitely postponed.

Amendments to house bill No. 41 and house bill No. 56 were adopted and considered engrossed.

Council bill No. 57 and house bills Nos. 58, 57, 44, 61, 41, 66, 65, 29, 55 and 56 were passed to third reading.

Mr. President announced the signing of council joint resolution No. 19, council bill No. 53 and council bill No. 58.

#### REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council bill 61, concerning the publication of certain election laws; house bill 53, concerning the filling of vacancies in the office of county commissioner; house bill 68, concerning contracts for the care of the poor, and house bill 62, extending the northern boundary of Fergus county, and house bill No. 26, concerning municipal corporations, have been correctly enrolled.

Also, *Mr. President:* Your committee on internal improvements begs leave to report back a petition for an act requiring railroad companies to burn grass on land adjoining their tracks with the recommendation that it has been and is impracticable to introduce a bill on the subject at the late day in the session in which the petition was introduced.

Mr. President announced the signing of house bill No. 53, house bill No. 26, house bill No. 46, house bill No. 62 and house bill No. 68.

#### MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,

EXECUTIVE OFFICE,

Helena, Montana, March 13, 1889.

*Gentlemen of the Legislative Council:*

I have been advised by Dr. Chas. Mussigbrod that he will not accept the position on the board of medical examiners for the territory of Montana, to which I had the honor of nominating him for your advice and consent some days ago. Regretting that he feels such to be his duty I nominate now in his room and

stead Dr. J. H. Reinhart of the county of Yellowstone to serve until December 31, 1893.

P. H. LESLIE.

Also:

*Gentlemen of the Legislative Council:*

I have the pleasure to inform you that I have approved and signed bill No. 12, which originated in your body, entitled "An act relating to the drawing of juries and to repeal sections 1297, 1298 and 1299, 1300, 1301, 1302 and 1303, of chapter 78, fifth division, general laws, compiled statutes of Montana.

Respectfully,

P. H. LESLIE.

#### THIRD READING OF BILLS.

Council bill No. 57 was read third time and passed by the following vote:

Ayes—Brown, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.

Nays—Conrad—1.

Absent—Bickford—1.

Title agreed to.

#### REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council joint resolution No. 19, concerning the printing of laws; council bill No. 53, concerning the school bonds, and council bill No. 58, concerning compensation of jurors, were handed to the governor at 20 minutes after 12, this 14th day of March, 1889.

House bill No. 56—On motion of Thompson of Deer Lodge, the rules were suspended.

The bill was read third time by title and passed by the following vote:

Ayes---Brown, Conrad, Hoffman, Hatch, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—9.

Noes—Kennedy—1.

Absent—Bickford, Collins---2.

Title agreed to.

On motion of Middleton, at 12:30 o'clock council took a recess until 2 o'clock p. m.

## AFTERNOON SESSION.

Council resumed at 2 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 14th, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body, that council joint resolution No. 18, making an appropriation for the historical society of Montana, passed the house.

Respectfully submitted,  
BENJAMIN WEBSTER, Chief Clerk.

Council joint resolution No. 18 was ordered enrolled.

Also, *Mr. President:* I am instructed by the house to inform your honorable body that house bill No. 64, an act giving costs in certain cases, has passed the house and is herewith transmitted. Also to return to you council bill No. 36, relating to town and village sites and plats, which passed the house with the accompanying amendments. Also to inform you that further consideration of house bill No. 59, for the taking up of "estrays;" council bill 29, regulating printing and purchasing of blank books; also house bill 22, establishing a hospital for the insane, have been indefinitely postponed.

BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President:* I am instructed to submit to your honorable body house bill No. 70, an act for the apportionment of the legislative assembly of the territory of Montana, which was introduced by Hunt, and passed under the suspension of the rules.

Respectfully submitted,  
BENJ. WEBSTER, Chief Clerk.

Thompson of Deer Lodge moved to suspend the rules and place the bill on its passage.

Thompson of Deer Lodge moved the previous question.

The question being shall the main question be now put.

So ordered.

Middleton called for the ayes and nays with the following vote:

Ayes—Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—7.

Nays—Bickford, Conrad, Collins, Hoffman, Middleton—5,

The bill was read second time and passed to general orders.

#### GENERAL ORDERS.

On motion of Thompson of Deer Dodge the council resolved itself into a committee of the whole.

Olds in the chair.

Committee arose.

Council resumed.

Mr. President in the chair.

Olds, from committee of the whole reported as follows:

*Mr. President:* Your committee of the whole having considered house bill No. 70, relating to appointment of members of council and house respectfully report the same back with the recommendation that it do pass.

Thompson of Deer Lodge moved the report be adopted.

Motion carried.

Thompson of Deer Lodge moved that the third reading of bills be taken up.

Middleton moved to a point of order that the motion could not prevail without a suspension of the rules.

Mr. President decided the point of order not well taken.

Middleton appealed from the decision of the chair, the question being, shall the decision of the chair be sustained by the council.

The roll was called with the following result:

Ayes—Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—6.

Nays—Bickford, Conrad, Collins, Hoffman, Middleton—5.

Decision sustained.

Thompson of Deer Lodge moved to place the bill No. 70 on its final passage.

Collins rose to a point of order that the motion could not be made.

Mr. President decided the point of order not well taken.

Collins appealed from the decision of the chair; the question being shall the decision of the chair be sustained.

The roll was called with the following result:

Ayes—Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow—6.

Nays—Bickford, Conrad, Collins, Hoffman, Middleton—5.

Decision sustained.

#### THIRD READING OF BILLS.

House bill No. 70 was read third time and passed by the following vote:

Ayes—Brown, Hatch, Kennedy, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—7.

Nays—Bickford, Collins, Conrad, Hoffman, Middleton—5.

Title agreed to.

#### REPORTS OF COMMITTEES.

By Brown:

*Mr. President:* Your committee on judiciary, to whom was referred house bill No. 49, relating to assignments, herewith return the same without recommendation.

House bill No. 49 was passed to general orders.

By Kennedy:

*Mr. President:* Your joint committee on enrollment beg leave to report that house bill 53, an act to provide for filling vacancies in the office of county commissioner; house bill No. 62, an act to provide for the extension of the boundaries of Ferguson county; house bill 68, an act to amend sections 1613 and 1615, fifth division, general laws; house bill 46, an act relating to the appointment of deputy veterinary surgeons and to prevent the dissemination of scab among sheep, and house bill 26, an act to amend chapter 22, fifth division, compiled statutes, was presented to the governor for his consideration at 12:20 this m., March 14, 1889.



## INTRODUCTION OF BILLS.

By Thompson of Deer Lodge, by leave:

Council joint resolution No. 20, for extra compensation to assistant clerks.

Read first time.

Thompson of Deer Lodge moved that the rules be suspended and the bill placed on its final passage.

Middleton moved to refer to a special committee of three to amend the resolution.

Amendment lost.

Hoffman moved that a special committee be appointed to ascertain the actual time the clerks have served.

Adopted.

Mr. President appointed as such committee Hoffman, Thompson of Deer Lodge and Bickford.

On motion of Middleton council concurred in house amendments to council bill No. 36.

Council bill No. 36 was ordered enrolled.

House bill No. 64 was read first and second times and on motion of Middleton the rules were suspended.

Bill was read third time by title and passed by the following vote:

Ayes—Conrad, Collins, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—9.

Nays—Brown—1.

Absent—Bickford, Hoffman—2.

## MESSAGE FROM THE HOUSE.

*Mr. President:* I am directed by the house to inform your honorable body that further consideration of house bill No. 40, requiring railroads to fence their tracks, etc., has been indefinitely postponed.

Also, to return to you council bill No. 57, relating to liens, etc., which passed the house.

Ayes—17.

Nays—2.

Absent—5.

Also to inform you that further consideration of the following bills has been indefinitely postponed:

Council bill No. 48, concerning schools, council bill No. 37, relating to assessment of life insurance companies, also council bill No. 52, concerning the publication of notices, etc.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

Council bill No. 57 was ordered enrolled.

Also, *Mr. President*: I am directed by the house to inform your honorable body that the house has adopted a substitute for council bill No. 18, which passed the house and is herewith transmitted.

Also, that house bill No. 60, concerning business houses, was lost by a tie vote.

Also, to return to you council joint resolution No. 16, providing for printing of constitution of Montana, which failed to pass the house.

Ayes—5.

Nays—15.

Absent—4.

Also, council bill No. 43, probate practice act, which passed the house.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

Also, *Mr. President*: I am instructed by the house to return to you council bill No. 60, relating to the time of meetings of county commissioners, with the request that the name of the member introducing the same be furnished.

Respectfully submitted,

BENJ. WEBSTER, Chief Clerk.

The chief clerk was instructed to impart the information.

House substitute for council bill No. 18 was read, and on motion of Thompson of Deer Lodge was passed to general orders.

Council bill No. 43 was ordered enrolled.

Also, *Mr. President*: I am instructed by the house to transmit to your honorable body house concurrent resolution No. 13, relating to the publication of laws, which was introduced by

Flowers without previous notice, and passed under a suspension of the rules.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House concurrent resolution No. 13 was read, and on motion of Middleton adopted.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,

EXECUTIVE OFFICE,

Helena, Montana, March 14, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and signed the bill No. 58, which originated in your body, entitled "An act relating to compensation of jurors."

Also, bill No. 53, entitled "An act relating to the issuing of school bonds," and council joint resolution No. 19, entitled "A joint resolution relating to the printing of laws pursuant to section 1631 of the fifth division compiled statutes of Montana.

Respectfully,

P. H. LESLIE.

On motion of Middleton house bill No. 66 was referred to a special committee of three to report at 7:30 p. m.

President appointed as such committee Middleton, Thompson of Deer Lodge and Conrad.

On motion of Brown at 5:30 p. m. council took a recess until 7:30 p. m.

EVENING SESSION.

Council resumed at 7:30 o'clock p. m.

Mr. President in the chair.

Roll called—quorum present.

REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your committee on enrollment beg leave to report that council bill No. 46, concerning the levy of taxes, and house bill No. 70, providing a legislative apportionment for the territory, have been correctly enrolled. Also that council bill 57,

concerning liens, and council joint resolution 18, concerning the Historical Society, have been correctly enrolled.

Mr. President announced the signing of house bill No. 70, house bill No. 56, council bill No. 61, house bill No. 7, council bill No. 46 and council joint resolution No. 18.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 14, 1889.

*Gentlemen of the Legislative Council:*

By virtue of and in pursuance to the directions of an act of this legislative assembly approved on this day, and is entitled "An act to provide for the appointment of a commission to codify the criminal and civil law and procedure and to revise, compile, and arrange the statute laws of Montana," I nominate for your advise and consent Hon. Newton W. McConnell and Hon. B. Platt Carpenter, of the county of Lewis and Clarke, and Hon. F. W. Cole, of the county of Silver Bow, as fit and proper persons to compose the commission and to perform the duties prescribed in said law and to be appointed and commissioned as such.

Respectfully,

P. H. LESLIE.

Also,

*Gentlemen of the Legislative Council:*

I nominate for your advice and consent Charles F. Mussigbrod of Deer Lodge county, W. J. Penrose of Silver Bow county and Martins V. Keithley of the county of Lewis and Clarke, to fill the office and to compose the board of arbitration for the territory of Montana.

Respectfully,

P. H. LESLIE.

The nominations were passed to unfinished business.

REPORTS OF COMMITTEES.

By Hoffman:

*Mr. President:* Your committee, to whom was referred council joint resolution No. 20, relating to compensation of assistant clerks of the sixteenth legislative assembly, submit a

substitute for said resolution herewith returned and recommend the adoption of the substitute.

Mr. President announced the signing of council bill No. 57 and council joint resolution No. 18.

Council joint resolution No. 20 was read first time.

On motion of Hoffman, rules were suspended.

Read second and third time by title and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Title agreed to.

Middleton's substitute for house bill No. 66 read first and second times and passed to general orders.

#### REPORT OF COMMITTEES.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 7, concerning licenses, house bill No. 56, concerning compensation of mayors and aldermen; house bill No. 70, the apportionment bill; council bill No. 61, concerning the publication of the election laws; council bill No. 46, concerning the levy of taxes; council bill No. 57, laws, and council joint resolution No. 18, concerning the historical society, were presented to the governor for his consideration at 7:45 p. m., March 14th, 1889.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 14, 1889.

*Mr. President:* I am instructed to inform your honorable body that house concurrent resolution No. 14, recalling a bill from the governor, has passed this body and is hereby submitted

BENJ. WEBSTER, Chief Clerk.

House concurrent resolution No. 14 was read and adopted.

Thompson of Deer Lodge moved to go into executive session.

Mr. President announced that Benjamin Rumney, for stock commissioner of Cascade county, Dr. J. H. Rhinehart, of Yellowstone county, for medical examiner, C. F. Mussigbrod, of

Deer Lodge county, W. J. Penrose, of Silver Bow county, M. V. Keithly, of Lewis and Clarke county, as board of arbitration; Hon. N. W. McConnell and B. Platt Carpenter, of Lewis and Clarke, and F. W. Cole, of Silver Bow, as code commissioners, have been confirmed by the council.

Council resumed.

Mr. President in the chair.

House bill No. 58, to prevent the sale of noxious drugs, was read third time and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hoffman, Hatch, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—9.

Noes—Kennedy—1.

Absent---Collins, Middleton---2

Title agreed to.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 14, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that council bill No. 60, relating to the time of meetings of board of county commissioners, has been indefinitely postponed.

BENJAMIN WEBSTER, Chief Clerk.

Also, *Mr. President:* I am instructed by the house to inform your honorable body that council joint resolution No. 20, to provide compensation to additional clerks, has passed this body and is hereby transmitted.

BENJAMIN WEBSTER, Chief Clerk.

Council joint resolution No. 20 was ordered enrolled.

Also, *Mr. President:* I am instructed to inform your honorable body that council bill No. 49, concerning public schools, has been indefinitely postponed.

BENJAMIN WEBSTER, Chief Clerk.

House bill No. 44—Rules suspended.

Bill was read third time by title.

Thompson of Deer Lodge moved a call of the house.

Roll called.



Present—Brown, Olds, Thompson of Deer Lodge, Thompson of Silver Bow, Mr. President—5.

Absent—Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton—7.

Quorum present.

The bill was then passed by the following vote:

Ayes—Brown, Bickford, Conrad, Hoffman, Middleton, Olds, Thompson of Silver Bow, Thompson of Deer Lodge—8.

Nays—Collins, Mr. President—2.

Absent---Hatch, Kennedy---2.

Title agreed to.

House bill No. 61 was read third time, and on motion of Thompson of Deer Lodge was indefinitely postponed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 14, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that house bill 46 was returned to the house by the governor; that by unanimous consent the vote by which the bill was passed was reconsidered; that the chief clerk was instructed in section 9, line 3, to strike out the word "county" and insert the word "country;" that as amended the bill was read a third time by title and passed:

Ayes---22.

Noes---none.

Bill accompanies message for your inspection.

Respectfully,

BENJ. WEBSTER, Chief Clerk.

On motion of Collins house amendments to house bill No. 4 were concurred.

The rules were suspended.

House bill No. 41 was read the third time by title and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Middleton,

Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—10.

Noes—Kennedy—1.

Absent—Hatch—1.

Title agreed to.

House bill No. 65 was read third time, and on motion of Thompson of Deer Lodge the bill was indefinitely postponed.

Middleton moved to take up house bill No. 66 from general orders.

Motion prevailed and bill ordered engrossed.

#### REPORT OF COMMITTEE.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that house bill No. 61, concerning costs in certain cases; house council resolution No. 13, concerning the publication of certain matters; council bill No. 43, amending section 229, probate practice act and council bill No. 36, concerning town and village plats, have been correctly enrolled.

House bill No. 57 was read, and on motion of Thompson of Deer Lodge, indefinitely postponed.

House bill No. 55, rules suspended.

Read third time by title and passed by the following vote:

Ayes—Brown, Bickford, Conrad, Collins, Hoffman, Hatch, Kennedy, Middleton, Olds, Thompson of Deer Lodge, Thompson of Silver Bow and Mr. President—12.

Noes—none.

Title agreed to.

House bill No. 29 was read and on motion of Middleton, indefinitely postponed.

On motion of Middleton council took a recess for 15 minutes.

#### REPORT.

By Thompson of Deer Lodge:

*Mr. President:* Your committee on engrossment, to whom was referred substitute for house bill No. 66, an act to repeal certain forfeitures, beg leave to report that they have examined the same and find it correctly engrossed.

Mr. President announced the signing of council bills No. 36

and 57, house concurrent resolution No. 13 and house bills No. 58 and 64.

Council substitute for house bill No. 66, an act repealing certain forfeitures, was adopted.

Read third time and lost by the following vote:

Ayes—Hatch, Middleton, Thompson of Deer Lodge, Mr. President—4.

Noes—Brown, Bickford, Conrad, Collins, Hoffman, Kennedy, Olds and Thompson of Silver Bow—8.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 14, 1889.

*Mr. President:* I am instructed to inform your honorable body that the house has concurred in council amendments to house bill 41, relating to pawnbrokers and junk-dealers.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

On motion of Thompson of Silver Bow council took a recess for 30 minutes.

Council resumed.

Mr. President in the chair.

Quorum present.

REPORT.

By Kennedy:

*Mr. President:* Your joint committee on enrollment begs leave to report that council joint resolution No. 20, concerning compensation for extra clerks, has been correctly enrolled.

Mr. President announced the signing of house bill No. 44, council joint resolution No. 20, house bill No. 55.

Minutes of this day read and approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 14, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body that house joint resolution No. 15, providing for extra clerks, has been correctly enrolled.

Mr. President announced the signing of house bill No. 44, council joint resolution No. 20 and house bill No. 55.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March 14, 1889.

*Mr. President:* I am instructed by the house to transmit to your honorable body house joint resolution No. 15, providing for the compensation of M. K. Child, which passed the house under suspension of the rules.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

House joint resolution No. 15 read.

Bickford offered the following amendment:

Add the words "and also the sum of twenty dollars be paid Miss Fannie Vandervoort for extra services."

Amendment adopted.

On motion of Middleton, house concurrent resolution No. 15, as amended was adopted.

## MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 14, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved, and on this day signed the bill No. 61, which originated in your body, entitled "an act requiring the publication of certain laws."

Also, council joint resolution No. 18, entitled council joint resolution, making an appropriation for the historical society of Montana, and bill No. 1, "An act establishing a territorial board of inspectors for steam boilers, and for the examination and licensing of engineers."

Also, bill 46, entitled "An act to amend an act entitled an act to provide for the levy of taxes and assessment of property, approved September 14, 1887.

Respectfully,

P. H. LESLIE.

Mr. President announced the signing of house bill memorial No. 41.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,

Helena, Montana, March 14, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and on this day signed the bill No. 57, which originated in your body, entitled "an act to provide fees and compensation for the several county officers in the counties of Montana."

Also, bill No. 43, entitled "an act to amend section 229 of the probate practice act," and

Also, council joint resolution No. 20, entitled "council joint resolution to provide compensation for additional clerks of the sixteenth legislative assembly.

Respectfully,

P. H. LESLIE.

Mr. President announced the signing of house joint resolution No. 15.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,

Helena, Montana, March 14, 1889.

*Gentlemen of the Legislative Council:*

I nominate for your advice and consent Charles J. Stevenson, of the county of Silver Bow, to be appointed and commissioned to fill the office of boiler inspector for the territory of Montana and J. J. Layton, of the county of Missoula, for assistant inspector of boilers.

And I nominate for your advice and consent G. W. Swallow, of the county of Lewis and Clarke, to be appointed and commissioned to fill the office of inspector of mines of Montana, and J. E. Coulter, of the county of Silver Bow, to fill the office of deputy inspector of mines.

Respectfully,

P. H. LESLIE.

On motion of Thompson of Deer Lodge, council went into executive session.

Mr. President announced the following confirmations.

For boiler inspector, Charles J. Stevenson, of Silver Bow county.

For assistant inspector of boilers, J. J. Layton, of Missoula county.

For inspector of mines, G. W. Swallow, of Lewis and Clarke county.

For deputy inspector of mines, J. E. Coulter, of Silver Bow county.

Council resumed.

Mr. President in the chair.

On motion of Middleton, a recess was taken for 15 minutes.

Council resumed.

MESSAGE FROM THE GOVERNOR.

TERRITORY OF MONTANA,  
EXECUTIVE OFFICE,  
Helena, Montana, March 14, 1889.

*Gentlemen of the Legislative Council:*

I have the honor to inform you that I have approved and signed bill No. 36, which originated in your body, entitled "An act relating to town and village plats."

Respectfully,

P. H. LESLIE.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, March, 14, 1889.

*Mr. President:* I am instructed by the house to inform your honorable body that the house has concurred in council amendment to house joint resolution No. 15.

Respectfully submitted,

BENJAMIN WEBSTER, Chief Clerk.

On motion of Thompson of Deer Lodge,

Council took a recess for 15 minutes.

Council resumed.

Mr. President in the chair.

Bickford offered the following resolution:

*Be it resolved by the Territorial Council of the Territory of Montana:*

That the thanks of said council are due and are hereby tendered to the Hon. C. K. Cole, our president, for his courtesy and impartiality displayed during the present session, and that we take this method of expressing our appreciation of his conduct, not only as a presiding officer but as a friend and adviser on the floor of the council, which was adopted by an unanimous vote.



Ordered engrossed, and a copy of said resolution ordered tendered to Mr. President, signed by the chairman and chief clerk.

Bickford offered the following resolution:

*Resolved by the Territorial Council of the Territory of Montana:*

That the thanks of said council are due and are hereby tendered to John R. Eardley, chief clerk, for the faithful and efficient discharge of his duties as chief clerk, and that the thanks of the council are also tendered to the assistant clerk, sergeant-at-arms and attaches, who have ably and impartially seconded the efforts of the chief clerk in every manner possible, which was adopted by a unanimous vote.

A special committee from the house appeared at the bar of the council.

On motion of Middleton:

A special committee of three to wait upon the governor to ascertain if he has any further communications to make to the council was appointed.

The president appointed Middleton, Bickford and Olds such committee.

On motion of Thompson of Deer Lodge:

Mr. President appointed a committee of two, consisting of Thompson of Deer Lodge and Brown, to wait upon the house and ascertain if they have any further communication to make to the council.

By Middleton:

*Mr. President:* Your special committee appointed to wait upon the governor and ascertain if he had further communication to make to the council, have performed that duty and have the honor to report that the governor informed us that he had nothing further to communicate, except to tender to each and every member of the council his heartfelt thanks for their kind and courteous treatment and to wish them a safe return home and a glad reception by their families and constituents.

By Thompson of Deer Lodge:

*Mr. President:* Your special committee appointed to wait upon the governor have performed their duty and are informed that the house has no further communications to submit to this body.

Journal of this day's proceedings read and approved.

On motion of Thompson of Silver Bow, at 12 p. m, the council adjourned *sine die*.

CHARLES K. COLE, President.  
JNO. R. EARDLEY, Chief Clerk.













